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Summary record of the 44th meeting

Held at Headquarters, New York, on Friday, 10 November 2006, at 3 p.m.

Chairman: Mr. Al Bayati (Iraq)
later: Mr. Ballesterro (Vice-Chairman) (Costa Rica)

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06-61106 (E)



The meeting was called to order at 3.15 p.m.

Agenda item 67: Promotion and protection of human rights (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/61/L.44)

Draft resolution A/C.3/61/L.44: Hostage-taking

1. **The Chairman** said that the draft resolution contained no programme budget implications.
2. **Mr. Gustafik** (Secretary of the Committee) said that Kazakhstan and Ukraine had been original sponsors of the draft resolution, along with Sudan.
3. **Mr. Nikiforov** (Russian Federation), introducing the draft resolution on behalf of the original sponsors, China and Bangladesh, said that 98 per cent of the text had been drawn from the General Assembly and Commission on Human Rights resolutions. He hoped that the draft resolution would be adopted without a vote.
4. **The Chairman** said that Honduras had joined the sponsors.
5. *Draft resolution A/C.3/61/L.44 was adopted.*
6. **Mr. Ceinos-Cox** (United States of America) said, in reference to paragraph 1, that in times of armed conflict, international humanitarian law was the appropriate body of law governing the conduct of those involved in the conflict. Hostage-taking was a crime under international humanitarian law and in that regard, was a major breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.
7. **Mr. Jokinen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania and Serbia; and, in addition Norway and Ukraine, said that not all of the concerns raised by the European Union on specific elements of the text had been accommodated in the final text of the resolution. The European Union had been able to join the consensus on the resolution but wished to draw attention to its understanding of the sixth preambular paragraph. The European Union considered that hostage-taking might

constitute a war crime within the jurisdiction of the International Criminal Court pursuant to the Rome Statute.

Agenda item 68: Report of the Human Rights Council (A/61/53 and A/61/530)

8. **Mr. de Alba** (President of the Human Rights Council) said that at its first session, the Council had adopted the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. The two instruments, which were now before the General Assembly, represented the fruit of many years of hard work and extensive negotiations.
9. The Convention was an important legal instrument which dealt with all aspects of the problem of enforced disappearances. It provided, inter alia, for the creation of a Committee on Enforced Disappearances to monitor compliance, as well as innovative procedures for emergency action in searching for disappeared persons. It required each State party to take the necessary measures to prevent and punish under its criminal law the wrongful removal of children subjected to enforced disappearance and reaffirmed the principle that children should be returned to their families of origin.
10. The Declaration on the Rights of Indigenous Peoples represented a response to the just demands voiced for many decades by the indigenous peoples of the world. It offered Member States an opportunity to follow through on the commitment made by the Heads of State and Government at the World Summit held in September 2005 to present for adoption a final draft United Nations declaration on the rights of indigenous peoples as soon as possible.
11. He hoped that the two instruments would be adopted by the General Assembly without a vote.
12. **The Chairman** informed the Committee that the General Assembly had decided that agenda item 68, entitled "Report of the Human Rights Council", would be considered in plenary meeting and in the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the General Assembly, including those that dealt with the development of international humanitarian law in the field of human rights. Taking into account that recommendation, the General Assembly and the

plenary meeting would consider the annual report of the Human Rights Council on its activities for the year.

13. **Mr. Saeed** (Sudan) said that because of the vast change in the international balance of power, the United Nations, as it was currently structured, would not be capable of dealing with the realities of today's world unless it was reformed.

14. The establishment of the Human Rights Council was the fruit of long and difficult consultations that had taken into account the legacy of the former Commission on Human Rights, and had boldly and transparently reviewed the strengths and weaknesses of the former Commission. It was obvious that the former Commission had been unable to discharge its responsibilities because some international powers had turned it into a forum for settling bilateral scores and for the realization of their political agendas.

15. Such practices had caused the former Commission to lose credibility and succumb to politicization, selectivity and double standards. Nowhere had that been more clear than in the so-called "country reports", which the former Commission brandished as weapons in the face of developing States while it ignored the human rights situation in the major Powers.

16. The establishment of the Human Rights Council heralded a new area for human rights, an era that would be based on the principles of dialogue, cooperation, objectivity and impartiality; an era in which no State, no matter how influential, would have immunity or receive preferential treatment. The practices of the former Commission, which had devoted all its efforts to protecting and strengthening civil and political rights, should be corrected and equal importance ought to be given to economic, social and cultural rights.

17. The Sudan had followed with great interest the deliberations of the first session of the Council, which had concentrated on setting out the general characteristics of the Council and had reviewed its mandate and various mechanisms. Those mechanisms were to be based on interactive dialogue in which the countries concerned would participate fully and which would take into account their concerns. The Sudan believed that the Council should exercise care in the establishment of those mechanisms; otherwise the international community would repeat the same mistakes that it had made with the former Commission.

It was vital to give the working groups an opportunity to accomplish their tasks and present their findings without interference or pressure.

18. During its first session, some States had resorted to the old and ugly practice of exploiting the newly formed Council forum in order to further their narrow political agendas, and that was something that should be resisted strongly. In conclusion, he called on all Member States to choose dialogue and cooperation over confrontation and the targeting of specific States when dealing with human rights issues.

19. **Ms. Lintonen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Moldova and Norway, said that based on the decision taken by the plenary Assembly on the allocation of item 68, entitled "Report of the Human Rights Council", the European Union understood that the Third Committee was to consider and act on the recommendations of the Human Rights Council to the General Assembly. In the opinion of the European Union, that decision and the decision by the Third Committee to invite the President of the Council to address the Committee were transitional arrangements which should not set precedents for the future.

20. The European Union attached great importance to the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples, which had been submitted to the Committee for consideration. Both the Convention, which defined the crime of enforced disappearance, organized the fight against perpetrators and described measures for preventing such crime, and the Declaration, which resulted from an inclusive process that involved representatives of indigenous peoples, represented a step forward in the promotion and protection of human rights. The European Union fully supported both instruments and called for their prompt adoption by the Committee and the General Assembly at its sixty-first session, as recommended by the Human Rights Council.

21. **Mr. Ritter** (Liechtenstein) said that the draft Declaration on the Rights of Indigenous Peoples and the draft International Convention for the Protection of

All Persons from Enforced Disappearance would have automatically come before the Third Committee, even if they had not been sponsored by any delegation.

22. As a long-standing supporter of innovative approaches to the rights of peoples to self-determination, Liechtenstein believed that the exercise of the right of self-determination could simply be equated with the right to independence. The right to self-determination could entail various forms of self-administration and self-governance, leading to forms of peaceful coexistence which fell short of secession and independent statehood. The introduction of the right to autonomy or self-government in matters relating to internal and local affairs in the draft Declaration on the Rights of Indigenous Peoples was a promising new approach which could help to create an enabling environment for the full promotion and protection of human rights, without leading to strife and violence.

23. The draft International Convention for the Protection of All Persons from Enforced Disappearance represented a major step forward in international human rights law. The drafters of the Convention had drawn on the provisions of the Rome Statute of the International Criminal Court, and the Convention established an innovative approach towards the mechanism for monitoring its implementation, including an evaluation by the Conference of the Parties and possible transfer of the monitoring functions to another body (draft International Convention, art. 27).

24. **Ms. Kohli** (Switzerland) said that her country had been a sponsor of the draft resolution on the United Nations Declaration on the Rights of Indigenous Peoples, which was a compromise text that had received the support of a large majority of States and all the indigenous peoples represented on the Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994. Switzerland had hoped that the text would be adopted by the Human Rights Council by consensus. Its adoption by the Third Committee and the General Assembly would send a clear message to the international community that the rights of indigenous peoples must be respected. The Declaration would thus become the main source of inspiration for policies, legislation and State practice in matters pertaining to indigenous peoples.

25. Switzerland had been actively involved in the negotiations on the text of the International Convention for the Protection of All Persons from Enforced Disappearance and hoped that the Third Committee and the plenary Assembly would adopt it without a vote. The Convention would provide a strong legal and political instrument for fighting against the phenomenon of enforced disappearances.

26. **Ms. Zhang Dan** (China) said that while recognizing the positive results achieved by the Human Rights Council during its first regular session and two special sessions, her delegation was disappointed at the results of the second session. According to the General Assembly resolution, during the first year of its work, the Council was supposed to focus on developing its working methods, particularly in connection with the modality of universal periodic review and the assessment of the various mechanisms under the former Commission on Human Rights. However, 47 draft resolutions irrelevant to those topics had been submitted which could not be considered within the scheduled time frame. Moreover, the dialogue on special procedures had been shrouded in an increasingly confrontational atmosphere, particularly when country-specific human rights issues had been raised.

27. Bearing in mind the clear instructions set forth in General Assembly resolution 60/251, her delegation would like to make the following suggestions for the future work of the Council. The spirit of the General Assembly resolution should be strictly adhered to by all parties. There should be an end to malicious attacks and the practice of submitting country-specific resolutions. At the present stage of its work, the Council should focus on the discussion of procedural matters, making every effort to create conditions that would be conducive to consensus. The Office of the High Commissioner for Human Rights should give priority to the right to development and the eradication of poverty, and the future agenda and resource allocation of the Council should also reflect those priorities. The relationship between the Human Rights Council and the Third Committee should be resolved. As the main committee of the General Assembly responsible for the consideration of human rights issues, the Third Committee was the appropriate forum to consider the annual report of the Human Rights Council. At the same time, the Third Committee should avoid duplication with the Human Rights Council.

28. **Mr. Chernenko** (Russian Federation) said that while the Human Rights Council was still trying to define its role, its work should nonetheless be clearly organized. The settling-in process should not interfere with the resolution of specific issues by the Council.

29. The universal periodic review of States' human rights records had been designed as a way of depoliticizing the work of the Council and eliminating double standards; however, the universal periodic review was a long way from being implemented and there was not even a common understanding of what its main principles would be. In order to establish parameters, a working group had been set up under the President of the Human Rights Council, but the group had yet to begin its work. That was also the case of another working group on the future of the special procedures. A set of guidelines on special human rights procedures had been prepared without the participation of Member States. It was lacking in balance and could not serve as a basis for depoliticizing activities. The proposal by the Group of African States to elaborate and adopt a code of behaviour for the special procedures and mechanisms of the Council should be supported.

30. A decision must be taken on the future of the Sub-Commission on the Promotion and Protection of Human Rights, which was a unique expert body.

31. **Mr. Maia** (Brazil), speaking on behalf of the States Members of the Common Market of the South (MERCOSUR), Argentina, Brazil, Paraguay, Uruguay and Venezuela, said that the MERCOSUR countries wished to ensure that their own sad experiences with the practice of enforced disappearance during the military dictatorships that had governed them would never be repeated. The International Convention for the Protection of All Persons from Enforced Disappearance was an essential tool for preventing and combating the scourge of enforced disappearances and constituted a substantive contribution to the progressive development of international human rights law. The MERCOSUR countries hoped it would be adopted by consensus.

32. The Declaration on the Rights of Indigenous Peoples recognized the contributions of indigenous peoples to the spiritual and material development of countries and would help combat discrimination against them. Although there were differences in the perceptions of the States members of MERCOSUR,

given the internal legislation of the individual States or the manner in which the question of self-determination was expressed in the Declaration, they would support its adoption because they believed it would be of great significance for the promotion of human rights and justice.

33. **Ms. Gálvez Ruiz** (Mexico) said that the International Convention for the Protection of All Persons from Enforced Disappearance would contribute to the eradication of enforced disappearances. It was especially significant that the Convention defined enforced disappearance as a crime against humanity.

34. The adoption of the United Nations Declaration on the Rights of Indigenous Peoples after more than 20 years of negotiations must not be delayed. Her delegation realized that a number of States had expressed concerns on such key issues as self-determination; lands, territories and resources; the lack of a definition of indigenous peoples; and the relationship between the Declaration and other international instruments. In that connection, she wished to stress that the text included all necessary safeguards to preserve the integrity of States and ensure respect for the human rights of all persons. The Declaration included specific provisions bringing it in line with the Charter of the United Nations and international human rights law. It laid the foundation for positive cooperation between States and indigenous peoples and enabled all parties concerned to participate in the benefits of economic, social and cultural development and respect for human rights.

35. The Declaration did not threaten the integrity of States nor did it limit their use and control of resources. In that connection, Mexico had organized an international workshop to consider aspects of the Declaration which had provided an opportunity for discussion and analysis of the major issues it raised. Participants in the workshop had concluded, *inter alia*, that the purpose of the Declaration was simply to reaffirm the right of indigenous peoples to self-determination in a context of coexistence with States. The Declaration did not establish new rights, but rather recognized the need for indigenous peoples to enjoy the rights they already had under international law, including the rights that had traditionally been denied them.

36. The issue of ownership and use of lands and resources should be viewed in a national context, in a spirit of good faith and cooperation. The Declaration did not deny States the right to use their resources but rather stressed that indigenous peoples should also be able to share those riches and to benefit from them for their own development. The ambiguity arising from the absence of a definition of indigenous peoples must be resolved at the domestic level, taking into account the different social, cultural and historical circumstances of the States, regions and continents that were inhabited by indigenous peoples.

37. The text that had been adopted by the Human Rights Council had the support of a majority of the indigenous peoples and of States. Her delegation hoped the Declaration would be adopted without a vote; however, the desire to achieve consensus should not stand in the way of a decision being taken.

38. **Mr. Skinner-Klée** (Guatemala) said that Guatemala supported the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. His delegation had contributed to the efforts to reach a consensus text for the Declaration that took into account the interests and rights of indigenous peoples and the positions of States. The text was consistent with the general principles of human rights and international law. His delegation urged those States that had expressed reservations concerning the scope or the interpretation of certain terms to support the adoption of the Declaration by consensus.

39. **Mr. Taranda** (Belarus) said that measures within the Human Rights Council, such as the determination of the form that the universal periodic reviews would take and analysis of the mechanisms for the special procedures, would allow for the best parts of the legacy of the Commission on Human Rights to be preserved while avoiding the errors that had led to a crisis in the Commission.

40. The Council must prove itself in the handling of issues which had not been satisfactorily dealt with in the Commission, such as human rights violations in the United States and the European Union, torture and abuse of detainees at Guantanamo, arbitrary detentions and illegal extraordinary rendition of individuals suspected of committing terrorist acts. The Council must adhere to the principles of universality,

objectivity and non-selectivity and must eliminate double standards and politicization in the consideration of human rights issues.

41. His delegation had submitted a resolution aimed at encouraging fair and mutually respectful dialogue on human rights the previous day, but as the Third Committee's deliberations had shown, issues of politicization and a selective approach to human rights persisted. Contrary to the will of the majority of delegations, country resolutions would soon be adopted. Such resolutions were a negative holdover from the Commission on Human Rights which ran counter to the main idea behind the creation of periodic reviews, namely, universal scope and equal treatment of all States. All Member States were urged to oppose the adoption of country resolutions, as they were counterproductive.

42. **Mr. Lehmann** (Denmark) said that the draft Declaration on the Rights of Indigenous Peoples represented a milestone in the development of their rights. It took a rights-based approach, but did not present those rights as legally binding or absolute, from which no exemption could be made. Indeed, the Declaration represented a compromise between the legitimate interests of indigenous peoples, other individuals and groups of States, balancing the various interests fairly.

43. The Declaration represented a standard of achievement to be pursued in a spirit of partnership and mutual respect. It upheld the basic principles and purposes of the Charter of the United Nations while preserving the interests of third parties as well as States. It was not phrased in the language of confrontation but of dialogue, and required nothing but partnership between States and indigenous peoples that reflected the process by which it had been elaborated over the past 20 years. He noted that Denmark had developed such a partnership with the indigenous peoples of Greenland. Adopting that landmark Declaration by consensus would be an historic step in advancing the rights and aspirations of the world's indigenous peoples.

44. **Ms. Otani** (Japan) said that standard-setting was an important part of the work of the United Nations and that key aspects of it had been inherited by the Human Rights Council from the Commission on Human Rights. The recommendation before the Committee was the first substantive outcome of the

work of the Council. Japan strongly supported the draft resolution on the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. It was participating actively in the drafting of the Convention, with a view to producing a better text that would help victims of enforced disappearance and prevent the commission of such terrible crimes. She hoped that the Committee would adopt the draft resolution without a vote.

45. **Mr. Sinaga** (Indonesia) said that there had been some positive concrete developments relating to the participation of NGOs in the work of the Human Rights Council and the decision to carry over that practice in the Council's work methods. His Government had developed a strong partnership with civil society actors, including NGOs and national institutions, to ensure that they played a major role in the promotion and protection of human rights.

46. He urged the Council to observe the principle that the promotion and protection of human rights should be based on cooperation and genuine dialogue, and to strengthen Member States' capacity to fulfil their human rights obligations for the benefit of all human beings. His country also hoped that the work of the Council would create an environment conducive to the universality, objectivity and non-selectivity of human rights issues globally.

47. Given the confusion surrounding the status of the annual report which the Council was mandated to submit to the General Assembly based on its founding resolution, it would be advisable for the Council to use the next session to clarify its cycle of work. Important recommendations of the Council that required implementation or follow-up action by other United Nations bodies should be considered and approved by the plenary Assembly. As the expert body, the Third Committee must also play a key role in that process.

48. **Mr. Normandin** (Canada) said that, given the importance of the mandate of the Human Rights Council and the provisions of resolution 60/251, paragraph 5 (j), Canada firmly believed that the Council's annual report should be considered by the plenary Assembly. If the Council was to avoid the pitfalls of the Commission on Human Rights, it must adopt a new culture and new working methods, including in its relationship with the General Assembly and United Nations human rights bodies.

49. Canada had long been committed to combating enforced disappearance. It had helped to establish the Working Group on Enforced or Involuntary Disappearances and participated actively in the negotiations leading up to the new International Convention for the Protection of All Persons from Enforced Disappearance. It was therefore pleased to support the adoption of the Convention. Canada had also worked for the development of a declaration that would promote and protect the fundamental freedoms of every indigenous person without discrimination and recognize the collective rights of indigenous peoples around the world. One of the main goals of such a declaration would have been to promote and develop harmonious relations between States and indigenous peoples. However, that goal had not been achieved with the text of the draft United Nations Declaration on the Rights of Indigenous Peoples, which failed to set out clear expectations for the States in which indigenous peoples lived.

50. In addition to those substantive concerns, Canada questioned the process by which the draft Declaration had been finalized. Key provisions of the text had been made by the Chairperson-Rapporteur without discussion between States and indigenous representatives and Canada's requests for additional time to address those matters had been futile. His delegation therefore felt compelled to oppose the adoption of the text, but remained committed to working both domestically and internationally on indigenous issues, including with various forums of the United Nations and other bodies.

51. **Archbishop Migliore** (Observer for the Holy See) expressed regret that the United Nations Declaration on the Rights of Indigenous Peoples had not achieved a consensus in the Human Rights Council. For such a declaration to have its intended impact, broader support from States, especially those with significant indigenous populations, would be crucial. The Holy See recognized that attitudes towards indigenous peoples were changing and that governments and indigenous peoples alike had been promoting good will, openness to dialogue and genuine understanding. Yet, much remained to be done to safeguard and honour the basic human rights of indigenous peoples. His delegation hoped that, rather than become a source of political division and discord, the Declaration would be a tool for the protection of the dignity of indigenous peoples and the promotion of

their economic and social advancement and would be adopted by consensus in the General Assembly.

52. **Mr. Gala** (Cuba) said that Cuba believed that its membership in the new Human Rights Council was an important position from which to work towards genuine international cooperation in human rights. The Council's membership being limited, his delegation considered it appropriate for the Third Committee to consider the Council's reports and take action on its recommendations. However, from the first report of the new Council (A/61/53) it was clear that it would be difficult to avoid the problems which had discredited the defunct Commission on Human Rights. It was questionable whether the Council truly represented a new beginning.

53. The Human Rights Council had spent much of its first session establishing the modalities and processes for its future work. His delegation attached great importance to the working groups established by decisions 1/103 and 1/104. The working group to develop the modalities of the universal periodic review mechanism and the working group to review the mandates, mechanisms, functions and responsibilities of the former Commission on Human Rights should work in parallel and conclude their work simultaneously.

54. A serious effort should be made to create a true system for the promotion and protection of human rights for all, not just the rich and privileged. Cuba could be counted on to fight for truth and transparency and to defend the right to independence, self-determination, social justice and equality. It could not be counted on to defend lies and hypocrisy, nor to cooperate with the mandates of any envoy, representative or rapporteur imposed by force or blackmail. If some chose to use the Council's suspension clause against rebellious countries and resolutions continued to be used in a selective and politicized manner, turning the Council into a tribunal to sanction the peoples of the South, Cuba would denounce those abuses and steadfastly oppose those who lacked principles and reason.

55. *Mr. Ballesterro (Costa Rica), Vice-Chairman, took the Chair.*

56. **Mr. Outlule** (Botswana) expressed regret that the United Nations Declaration on the Rights of Indigenous Peoples had been adopted by a vote and not by a broader consensus, which would have reflected

the unity of the international community on the promotion of justice, and on the equality and dignity of all peoples. The Declaration adopted a one-size-fits-all approach which did not take into account the legitimate concerns of some countries or the historical circumstances in all continents. In Africa, for example, almost all citizens were indigenous to their country and the African continent. The Declaration seemed to suggest that sections of the population had the right to claim to be the sole indigenous peoples of specific regions of a sovereign nation. Botswana hoped that the sponsors would welcome efforts aimed at improving the text.

57. A fundamental weakness of the text was the absence of a definition of indigenous peoples. The Declaration not only left the door open for any group or community to identify itself as indigenous, but also gave blanket recognition to the right of regional, ethnic or tribal groups to full political and economic self-determination. That was unacceptable to Botswana, because on attainment of independence, its various tribal communities had agreed to form one sovereign state of a people with a common citizenship and united by a shared destiny.

58. There was nothing in the Declaration that could stop a tribal community within existing States from claiming that it had the right to self-determination. That right was enshrined in General Assembly resolution 1514 (XV), paragraph 2, which applied to all people living under colonialism or foreign domination because they had been denied that right by the colonial Powers. It was wrong, however, to lift that paragraph wholesale and apply it to the Declaration, which should be drafted in such a way that it could not be used to preach secession or separatism. There should be a clear balance between the rights of a group or tribe and those of a nation as a whole.

59. Botswana was raising those issues because it strongly believed that there should be logic, internal coherence and consistency in the declarations which the General Assembly adopted; however, the proposed Declaration lent itself to an interpretation that could be considered to contradict existing instruments. Following post-independence consultations in Botswana, all tribes had freely agreed to transfer all rights over minerals, fauna and flora to the State. The proposed Declaration would restore those rights to the tribes and reverse the will of the people of Botswana. In addition, in some places, it advocated unrestricted

use or exploitation of natural resources, a potential violation of international environmental treaties.

60. Similarly, the Declaration relied heavily on the 1989 Convention concerning Indigenous and Tribal Peoples in Independent Countries adopted by the International Labour Conference; but that Convention had been ratified by only 17 countries, none of which was in Africa. Borrowing substantially from the Convention was a disguised attempt to give it universal character and application. Lastly, article 3 of the Declaration seemed to imply that the International Covenant on Civil and Political Rights did not apply to indigenous peoples.

61. His delegation felt that Member States should be given more time to consider the many complex and contentious issues in the Declaration and to produce a document that would benefit humanity as a whole.

62. **Mr. Benmehidi** (Algeria) said that it was appropriate for the Third Committee to consider the report of the Human Rights Council because of its expertise in that area, which could only serve to support and strengthen the Council's actions. The decision to extend the mandate of the special procedures for a year would give Council members time to consider their reports and allow the Working Group established to review those procedures to consider steps to improve and rationalize them. The universal periodic review mechanism would be a very useful tool in improving human rights at the country level through constructive dialogue and cooperation.

63. The Council's decision to examine the situation of human rights in Palestine and incitement to racial and religious hatred and promotion of tolerance from its first session was an indication of the urgency of both issues. It had also given consideration to the International Convention for the Protection of All Persons from Enforced Disappearance.

64. With regard to the draft Declaration on the Rights of Indigenous Peoples, his delegation was of the view that the international community must meet the expectations of indigenous peoples and send the message that the legitimacy of their rights was recognized by all Member States. Therefore, a draft of such importance should not have been brought to a vote before the Council had established its working methods. He hoped that in-depth consideration by the General Assembly would lead to its adoption by consensus.

65. The General Assembly had given the Council the power to meet in special session in order to respond quickly to situations of massive and flagrant violations of human rights. Therefore, it had held special sessions in June and July 2006 on the situation in the occupied Palestinian territories and the situation in Lebanon. His delegation regretted that those questions had been politicized, which had prevented a unanimous and unequivocal condemnation of the flagrant violations observed, which could have provided a foundation for a new doctrine repudiating the double standard applied in the past.

66. Finally, his delegation reiterated the commitments it had made as a candidate for the Human Rights Council to spare no effort to prevent politicization of human rights issues. He called on all delegations to allow the Council a reasonable amount of time to develop its working methods before declaring it a failure.

67. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had considered the report of the Human Rights Council with great interest, as it had actively participated in its establishment. It hailed the holding of the special sessions on the situation in the occupied Palestinian territories and the situation in Lebanon, and would ensure that funding was available to implement the relevant resolutions adopted.

68. **Ms. Blum** (Colombia) said that her delegation believed that the recommendations of the Human Rights Council, a subsidiary body of the General Assembly, should be examined in the Third Committee, which was universally representative and had the expertise required to take decisions that by their nature affected all countries. Her delegation also attached great importance to the principles of universality, impartiality, objectivity and non-selectivity in the work of the Council, on a basis of cooperation and constructive international dialogue.

69. The review of mandates, mechanisms and responsibilities should proceed at the same pace as the establishment of the universal periodic review mechanism, in order to guarantee coherence in the system and avoid the duplication of work that had occurred in the former Commission. To achieve more effective results, the Council should have a balanced and well-coordinated structure and avoid proliferation of mechanisms. The Third Committee must ensure, however, that the resolutions it adopted did not include

language implying the extension of mandates or expansion of their scope, which could hinder the progress being made in the review of mandates taking place in Geneva. Her delegation hoped to see the work in those two areas completed by June 2007.

70. The Council had recommended to the General Assembly the adoption of the draft International Convention on the Protection of All Persons from Enforced Disappearance, which it had adopted by consensus, and the draft Declaration on the Rights of Indigenous Peoples, which had been adopted by a vote. It was regrettable that, on a matter of such high priority and universal application, the Council had not made a greater effort to agree on a more precise text that could have achieved consensus.

71. **Ms. Pellandini** (International Committee of the Red Cross (ICRC)) said that enforced disappearance constituted a human rights violation, and in time of war was a violation of international humanitarian law. It was tantamount to deleting a person's very existence and denying basic protection of the law. The damage to the family members of a disappeared person was far-reaching and long-lasting, affecting not only individuals but the societies in which they lived.

72. The prohibition of enforced disappearance, like all rules of humanitarian law, allowed no exceptions. Just as no State, group or individual was above the law, no person could be placed outside the law; enforced disappearance tried to do just that.

73. The International Convention on the Protection of All Persons from Enforced Disappearance was the first international treaty explicitly to ban practices leading to enforced disappearance. It also enshrined the right of families to know the fate of their relatives, and required States to incorporate the crime of enforced disappearance into their own legislation.

74. For its part, ICRC was working tirelessly to prevent enforced disappearance. One of the strongest safeguards during armed conflicts consisted of repeated visits to detainees and restoration and maintenance of family ties. In 2005, it had visited more than 2,600 detention centres in 76 countries and enabled some 100,000 personal messages to be exchanged between detainees and their families. Registration of persons deprived of liberty helped to prevent disappearances and enabled ICRC to follow up on detainees individually and to search for them actively. It also

collected numerous tracing requests from families looking for lost relatives.

75. Families' quests for answers and their efforts to keep alive the memory of the missing commanded admiration and respect. Their perseverance in repairing the injustice and preventing such acts from being repeated deserved support from the community of States and the public. ICRC therefore urged Member States to adopt the Convention at the current session.

The meeting rose at 5.40 p.m.



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Third Committee

Summary record of the 45th meeting

Held at Headquarters, New York, on Monday, 13 November 2006, at 3 p.m.

Chairman: Mr. Ballesteros (Vice-Chairman) (Costa Rica)

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Agenda item 65: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)

Agenda item 66: Right of peoples to self-determination (*continued*)

Agenda item 67: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

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06-61357 (E)



In the absence of the Chairman, Mr. Ballesteros (Costa Rica), Vice-Chairman, took the Chair.

The meeting was called to order at 3.30 p.m.

Agenda item 68: Report of the Human Rights Council (continued)

Draft resolution A/C.3/61/L.17: International Convention for the Protection of All Persons from Enforced Disappearance

1. **Mr. Khane** (Secretary of the Committee) said that, under the terms of paragraph 2 of the draft resolution, the General Assembly would adopt and open for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance. Article 26, paragraph 7, of the draft Convention stated that the Secretary-General would provide the necessary means, staff and facilities for the effective performance of the Committee on Enforced Disappearances to be established under the Convention. Since 20 instruments of ratification or accession needed to be deposited before the Convention could enter into force, the draft resolution was not expected to have any programme-budget implications for the 2006-2007 biennium. If the Convention were to come into force during the 2008-2009 biennium, it would entail total net estimated biennial requirements of \$1,880,600, the breakdown of which was shown in paragraph 8 of the Secretary-General's report entitled "Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first and second special sessions in 2006" (A/61/530). Upon the Committee's establishment, the estimated requirements for its activities would be considered in the context of the proposed programme budget for 2008-2009.

2. **Mr. Vandeville** (France), introducing the draft resolution on behalf of the original sponsors, recalled that the President of the Human Rights Council, speaking before the Committee the previous week, had described the draft Convention as a legal instrument of very high quality which had been adopted by consensus by the Council. The draft resolution followed exactly the same wording as that recommended by the Council for adoption, except for the replacement in the English version of paragraph 1 of the word "Hails" by "Acknowledges". He announced that, if the draft resolution were adopted by

the Committee, the Convention would be opened for signature during a ceremony to be held in Paris, in principle on 6 February 2007. Adoption of the draft resolution would long redound to the credit of the Committee and of the United Nations as a whole.

3. The original 63 sponsors had been joined by Afghanistan, Albania, Angola, Armenia, Azerbaijan, Bosnia and Herzegovina, Botswana, Cambodia, Canada, the Central African Republic, the Comoros, Costa Rica, Côte d'Ivoire, the Democratic Republic of the Congo, Denmark, Dominica, the Dominican Republic, Eritrea, Fiji, Guatemala, Japan, Jordan, Kenya, Lebanon, Liberia, Mauritania, Moldova, Montenegro, Nicaragua, Panama, Senegal, Serbia, Sierra Leone, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Ukraine and Uruguay. All the sponsors had recommended that the draft resolution should be adopted by consensus.

4. **Mr. Khane** (Secretary of the Committee) announced that Indonesia and Lesotho had also joined the sponsors.

5. **Ms. Zhang Dan** (China) said that her delegation supported the adoption of the draft resolution by consensus, subject to the correction of a number of technical and linguistic errors in the Chinese version of the draft Convention which, if they remained, would impede China's ratification and implementation of the instrument. Her delegation had submitted a note verbale containing a revised version of the text in Chinese. She requested confirmation that that revised version would replace the current version in Chinese.

6. **Mr. Khane** (Secretary of the Committee) said that he had taken note of the statement by the representative of China. He confirmed that he had received the note verbale, which would be transmitted to the competent services.

7. *Draft resolution A/C.3/61/L.17 was adopted without a vote.*

8. **Mr. Adsett** (Canada), explaining his delegation's position, said that his country had participated actively in the negotiation of the draft Convention, whose adoption it supported. Canada had joined the consensus on the establishment of a new body, although it would have preferred the Human Rights Committee to have been assigned the related monitoring functions. He emphasized that the definition in article 2 and all references in the draft Convention to crimes or

offences should be interpreted in the light of the element of criminal intent required under domestic law for any criminal offence. Articles 5 and 6 must be interpreted in accordance with international law, including the Rome Statute of the International Criminal Court.

9. The provision in article 7 regarding the possibility of mitigating circumstances could not be interpreted to mean an effective amnesty that would grant impunity to violators, who must be punished appropriately. Article 8 on statutes of limitations must be interpreted as being subject to international law and should not result in impunity for offenders; no such statutes were permitted under international law for any enforced disappearance that constituted a crime against humanity. Article 12, paragraph 3, must be interpreted as permitting States to ensure access by investigating authorities to relevant documentation and other information not in the control of the State, upon prior authorization of a judicial authority, where necessary. The provisions in article 24 on reparation must be interpreted in accordance with international law, including the law of sovereign immunity.

10. **Mr. Ceinos-Cox** (United States of America), explaining his delegation's position, said that his country had been an active participant in all the meetings of the working group to draft a Convention on the Protection of All Persons from Enforced Disappearance. It had thus been able to provide its understanding of the intent of States participating in the Working Group on a number of core issues and to express its concerns about the final text. He reaffirmed the statement made by the United States delegation before the Human Rights Council in that connection in June 2006, reproduced in A/HRC/1/G/1.

11. **Mr. Sen** (India), explaining his delegation's position, said that the existing body of international human rights law and humanitarian law, backed by adequate political will and resources, provided a comprehensive framework to tackle the phenomenon of enforced disappearances. His Government had therefore not been convinced about the need for a separate Convention or a new monitoring body; an optional protocol to the International Covenant on Civil and Political Rights would have been a better solution. The definition of enforced disappearance contained in the proposed text allowed a standard of proof different from that established by the Rome Statute for the same crime.

12. The notion of intent should have been more clearly incorporated in that definition, which should also have included non-State actors. His delegation had nevertheless joined the consensus, on the understanding that the proposed instrument would allow national jurisdictions to criminalize enforced disappearance in accordance with their respective legal systems and constitutional procedures. While in a common-law system such as that of India, there was no statutory right to compensation, victims of human rights abuses were regularly granted remedy and compensation in his country.

13. **Mr. Lee-Smith** (United Kingdom), explaining his delegation's position, said that the placing of a person outside the protection of the law was an important element of the definition of enforced disappearance contained in article 2 of the draft Convention. His delegation understood the term "outside the protection of the law" to mean that the person's deprivation of liberty or detention was not within the scope of relevant legal rules or that those rules were not compatible with applicable international law. Accordingly, his Government understood article 20, which permitted restrictions to the right to information, to apply to all situations where a person was not outside the protection of the law or, in other words, within the State's domestic legal rules governing deprivation of liberty or detention, consistent with applicable international law.

14. It understood article 43 to mean that international humanitarian law remained the *lex specialis* in situations of armed conflict and other situations to which such law applied, so as to ensure that, where applicable, the relevant provisions of international humanitarian law would take precedence over any other provisions contained in the draft instrument. His Government's understanding of article 25, paragraph 4, was that it did not entail an obligation to provide a legal procedure that would lead to an automatic review of adoption, nor did it require the automatic annulment of an adoption stemming from an enforced disappearance, but merely the existence in States parties of a procedure to apply for review of an adoption covered by that article.

15. **Ms. Banzon** (Philippines), explaining her delegation's position, said that the draft Convention marked a significant development in international human rights and humanitarian law and made up for the lack of a treaty that explicitly banned practices

leading to enforced disappearances and ensured the right of families to the truth. Her delegation had joined the consensus on the understanding that the draft instrument would not prevent a State from criminalizing the offence, in accordance with its national legislation. Accordingly, the State would be able to assign responsibility not only to its agents but also to non-State actors and groups outside its effective control. It nevertheless remained the responsibility of the State to provide protection. Her Government would also have liked the definition of enforced disappearance to reflect the fact that a significant proportion of acts leading to such disappearances were committed by non-State conflict groups. Lastly, it was understood that all three elements referred to in article 6, paragraph 1 (b), had to exist together in order for criminal liability to be assigned.

16. **Ms. Graham** (New Zealand), explaining her delegation's position, said that it was her Government's understanding that nothing in the draft Convention should be considered to undercut or reinterpret existing international law even though, in its view, some of its provisions departed from already established international criminal law. The definition of enforced disappearance as a crime against humanity was one such departure. New Zealand would accordingly interpret the relevant article in a manner consistent with its understanding of existing international law. Similarly, it would interpret article 6 in accordance with well-established international law on command responsibility of civilian superiors and military commanders, despite the different language used. She regretted that there were no specific provisions on standards of responsibility for military commanders. However, her delegation understood paragraph 2 of article 6 as an acknowledgment of the higher standard of responsibility of military commanders under international law, particularly in cases of enforced disappearance.

17. **Mr. Braad** (Denmark), explaining his delegation's position, said that his Government did not know yet whether it would be able to ratify the new instrument. That would depend on a closer analysis of the relationship between the Convention and article 3 of the European Convention on Human Rights.

18. **Mr. Anzola** (the Bolivarian Republic of Venezuela), explaining his delegation's position, said that the Venezuelan Constitution and penal code contained effective, rigorous measures to combat

enforced disappearances. Perpetrators did not receive impunity or amnesty. His country had been a party to the Inter-American Convention on Enforced Disappearances since 1994.

19. **Ms. Otani** (Japan), explaining her delegation's position, said that Japan associated itself with the United Kingdom in regard to the elements contained in the definition of enforced disappearance. A key element of the Convention was the definition of enforced disappearance as a crime.

20. **Mr. Vandeville** (France) said that the adoption by consensus of the draft Convention, which had 103 sponsors, was an encouraging sign. Since 1980, 15,000 cases of enforced disappearance had been recorded in 90 countries.

Agenda item 65: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/C.3/61/L.48 and L.49)

Draft resolution A/C.3/61/L.48: Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

21. **Mr. Nikiforov** (Russian Federation) introducing the draft resolution, said that an increase in the activity of neo-Nazis and skinheads, among other such groups, was cause for profound concern. It was unacceptable to make the Nazis into heroes and to whitewash crimes of the Waffen SS. The unveiling of monuments to the Nazis and the holding of days of mourning to commemorate the liberation from the Nazis were phenomena which testified to the relevance of the current draft resolution. The draft text was a thematic resolution oriented toward cooperation and dialogue.

Draft resolution A/C.3/61/L.49: International Convention on the Elimination of All Forms of Racial Discrimination

22. **Ms. Rondeux** (Belgium), introducing the draft resolution, said that Andorra, Cameroon, Canada, Cape Verde, Chile, Ecuador, Guatemala, Japan, Namibia, Nigeria, Pakistan, Serbia, Switzerland, Timor-Leste and Ukraine had joined the sponsors. The draft resolution underscored the importance of universal adherence to and full implementation of the

Convention, noted with satisfaction the work carried out by the Committee on the Elimination of Racial Discrimination and stressed the obligations of States parties under the Convention, particularly with regard to the submission of periodic reports. Lastly, the sponsors hoped that, as in the past, the draft resolution would be adopted without a vote.

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (continued)
(A/C.3/61/L.53)

Draft resolution A/C.3/61/L.53: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

23. **Ms. Hoosen** (South Africa), introducing the draft resolution on behalf of the Group of 77 and China, said that a lack of political will to advance the global anti-racism agenda as expressed in the Durban Declaration and Programme of Action was hampering efforts to combat racism, resulting in a resurgence of racism in many parts of the world. While the draft resolution was based on an earlier resolution from December 2005, recent trends would be noted in efforts to address challenges.

24. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors of the draft resolution.

Agenda item 66: Right of peoples to self-determination (continued) (A/C.3/61/L.46 and L.50)

Draft resolution A/C.3/61/L.46: Universal realization of the right of peoples to self-determination

25. **Mr. Hayee** (Pakistan), introducing the draft resolution, said that the right to self-determination was the foundation upon which the system of international relations was based and was the most basic collective right of peoples and nations, without which individual human rights could not be exercised. That right had been reaffirmed at the Millennium Summit, the United Nations 2005 World Summit and other major international conferences. Exercise of the right to self-determination had helped millions of people throughout the world in search of liberation from

colonialism and apartheid. Lastly, he pointed out that Bahrain, Brunei Darussalam, Kuwait, Panama, Nigeria and South Africa had joined the sponsors.

Draft resolution A/C.3/61/L.50: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

26. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution, said that some States continued to use mercenaries to overthrow the Governments of States Members of the United Nations, especially those of developing countries, and to oppose those fighting for just national causes. The draft resolution called upon States to exercise vigilance in regard to the threat posed by the activities of mercenaries, keeping in mind the new legal definition of a mercenary proposed by the Special Rapporteur on use of mercenaries as a means of impeding the right of peoples to self-determination in his report to the sixtieth session of the Commission on Human Rights. Benin, Botswana, Burundi, the Democratic People's Republic of Korea, Egypt, Eritrea, Iran (Islamic Republic of), Lesotho, Madagascar, Myanmar, Namibia, Sierra Leone, South Africa, Swaziland, the Syrian Arab Republic, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe had joined the sponsors.

Agenda item 67: Promotion and protection of human rights (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/61/L.19, L.21, L.22, L.23, L.24, L.26, L.27, L.28, L.29, L.33, L.34 and L.35)

Draft resolution A/C.3/61/L.19: Missing persons

27. **Ms. Adjalova** (Azerbaijan), introducing the draft resolution, said that the following revisions had been made to the text. In the first line of the third preambular paragraph, the word "relevant" should be inserted before "resolutions". In the sixth preambular paragraph, the words "among others" should be added to the end of the last line. In the ninth preambular paragraph, "welcomes" should be replaced by "takes note with appreciation of", and "ongoing" should be inserted before "regional". In the second line of paragraph 1, the words "where applicable" should be

inserted before "in the Additional Protocols". In the last line of paragraph 9, the phrase "working groups" should be added after "commissions". Finally, paragraph 11 should be deleted.

28. She announced that Afghanistan, Bangladesh, Belarus, Belgium, Costa Rica, Croatia, the Democratic Republic of the Congo, Ecuador, Fiji, Jamaica, Kazakhstan, Kyrgyzstan, Mexico, Qatar, Senegal, Serbia, Spain, Switzerland, the Syrian Arab Republic, Tajikistan, Ukraine and Uzbekistan had joined the sponsors.

29. **Mr. Gustafik** (Secretary of the Committee) said that Benin, Cameroon, Honduras and Kenya had also joined the sponsors of the draft resolution.

Draft resolution A/C.3/61/L.21: Human rights and extreme poverty

30. **Ms. Tincopa** (Peru) introduced the draft resolution and announced that Armenia, Croatia, Estonia, Ethiopia, Finland, France, Honduras, Kuwait, Serbia, Slovakia, Slovenia, Spain, Thailand, the former Yugoslav Republic of Macedonia and the United Kingdom had joined the sponsors. The eradication of poverty and extreme poverty was the major challenge facing the world, especially the developing world, and was central to the commitments made at the 2005 World Summit.

31. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Angola, Azerbaijan, Bangladesh, Benin, Burkina Faso, Cape Verde, Colombia, the Congo, Djibouti, Ecuador, Ghana, Madagascar, Malawi, Mali, Moldova, Monaco, Morocco, Nigeria, Rwanda, South Africa and Ukraine had joined the sponsors of the draft resolution.

Draft resolution A/C.3/61/L.22: Subregional Centre for Human Rights and Democracy in Central Africa

32. **Mr. Nyamulinda** (Rwanda), introducing the draft resolution, said that the Central African subregion had been a subject of concern to the international community for many years. The objective of the Subregional Centre for Human Rights and Democracy in Central Africa was to promote stability, peace and development in the subregion. Ghana, India and Madagascar had joined the sponsors of the draft resolution.

33. **Mr. Gustafik** (Secretary of the Committee) said that Belarus, Burkina Faso and South Africa had also joined the sponsors.

Draft resolution A/C.3/61/L.23: Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

34. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution, said that in addition to the sponsors listed in the document, China, the Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Gabon, India, Kenya, the Lao Peoples' Democratic Republic, Lebanon, Lesotho, Mauritania, Myanmar, Namibia, Pakistan, Saudi Arabia, South Africa, Swaziland, the Syrian Arab Republic, Yemen and Zambia had joined the sponsors. Four of the five United Nations geographical groups were represented among the sponsors of the draft resolution, which sought to redress the specific geographic imbalance of the Office of the United Nations High Commissioner for Human Rights.

35. **Mr. Gustafik** (Secretary of the Committee) said that Algeria, Bhutan, Ghana, Nepal and the Russian Federation had joined the sponsors of the draft resolution.

Draft resolution A/C.3/61/L.24: Promotion of a democratic and equitable international order

36. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution, said that Namibia had joined the sponsors. The objective of the draft resolution was to call attention to the close links between economic and social conditions and the enjoyment of human rights.

37. **Mr. Gustafik** (Secretary of the Committee) said that Cameroon, Honduras, South Africa and Uganda had joined the sponsors of the draft resolution.

Draft resolution A/C.3/61/L.26: Respect for the right to universal freedom of travel and the vital importance of family reunification*

38. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution, said that the family was the basic unit of society; therefore the draft resolution had enormous relevance to the work of the Committee in the areas of migration and the family.

39. **Mr. Gustafik** (Secretary of the Committee) said that the Congo and Ethiopia had joined the sponsors of the draft resolution.

Draft resolution A/C.3/61/L.27: The right to food

40. **Mr. Amorós Núñez** (Cuba) introduced the draft resolution and drew attention to its paragraph 10, which called attention to the difficulties that indigenous groups faced in realizing the right to food. The following delegations had joined the sponsors of the draft resolution: Afghanistan, Andorra, Angola, Antigua and Barbuda, Armenia, Benin, Brazil, Burundi, China, the Comoros, the Congo, Croatia, Djibouti, Dominica, Eritrea, Fiji, France, the Gambia, Georgia, Grenada, Guinea, Guyana, Haiti, Honduras, Japan, Kuwait, the Lao Peoples' Democratic Republic, Lesotho, Liberia, the Libyan Arab Jamahiriya, Malawi, Mauritania, Mauritius, Mexico, Moldova, Mozambique, Myanmar, Nepal, the Niger, Pakistan, the Philippines, Romania, Rwanda, Senegal, Swaziland, Togo, Turkmenistan, Uruguay and Uzbekistan.

41. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Bhutan, Burkina Faso, Cameroon and Timor-Leste had also joined the sponsors.

Draft resolution A/C.3/61/L.28: Combating defamation of religions

42. **Ms. Adjalova** (Azerbaijan) introduced the draft resolution on behalf of the States Members of the United Nations that were members of the Organization of the Islamic Conference. Drawing attention to some revisions in the text, she said that the sixteenth and seventeenth preambular paragraphs had been merged to read: "Deeply alarmed at the rising trends to condone discrimination based on religion and faith through intellectual and ideological validation, as well as at the rise of some national policies and laws that stigmatize groups of people belonging to certain religions and faiths under a variety of pretexts relating to security and illegal immigration,". Paragraph 9 had been revised to read: "Emphasizes that everyone has the right to freedom of expression which should be exercised with the responsibilities and limitations as provided by law and necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and respect for religion and belief;". In paragraph 16, the phrase

"as part of its mandate" should be deleted from the first line.

43. **Mr. Gustafik** (Secretary of the Committee) said that Cameroon had joined the sponsors of the draft resolution.

Draft resolution A/C.3/61/L.29: Protection of migrants

44. **Ms. Olivera** (Mexico), introducing the draft resolution on behalf of the original sponsors and also Mali, said that Bangladesh, Benin, Chile, the Democratic Republic of the Congo, Ecuador, El Salvador, Ethiopia, the Gambia, Guatemala, Honduras, Kenya, Morocco, the Niger, Nigeria, Paraguay, Peru, the Philippines, Saint Vincent and the Grenadines and Senegal had joined in sponsoring the draft resolution. The text had been streamlined to focus on new developments relating to the protection of migrants. The goal was to address issues that required special attention to ensure that the resolution would have greater impact.

45. In that regard, it drew special attention to the High-level Dialogue on International Migration and Development, which recognized that migration, development and human rights were intrinsically connected. Given the global nature of the migratory phenomenon, international cooperation and dialogue were required to protect the rights of migrants. She said negotiations on the text were ongoing and expressed the hope that the draft resolution would be adopted without a vote as in previous years.

46. **Mr. Gustafik** (Secretary of the Committee) said that Argentina, Belize, Burkina Faso, Cape Verde, the Congo, Ghana and Kyrgyzstan had joined in sponsoring the draft resolution.

Draft resolution A/C.3/61/L.33: Enhancement of international cooperation in the field of human rights

47. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, said that the text reaffirmed the commitment to promote international cooperation as set forth in the Charter of the United Nations. It urged all actors on the international scene to build an international order based on inclusion, justice, equality, equity, human dignity and mutual understanding. It requested the Secretary-General, in collaboration with the United Nations High Commissioner for Human

Rights, to consult with States and intergovernmental and non-governmental organizations on ways of enhancing international cooperation and dialogue for the promotion and protection of human rights. Lastly, he hoped that the draft resolution would be adopted by consensus as evidence of the commitment to work for genuine cooperation in the field of human rights and called on Member States to support it.

Draft resolution A/C.3/61/L.34: The right to development

48. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, said that the resolution drew inspiration from the Declaration on the Right to Development as well as the Vienna Declaration and Programme of Action, which confirmed that the right to development was an inalienable human right. The draft resolution recognized that poverty was a multifaceted problem that required a multifaceted approach in addressing economic, political, social, environmental and institutional concerns at all levels. It called on the Human Rights Council to promote sustainable development and the achievement of the Millennium Development Goals.

49. It endorsed the conclusions and recommendations of the Working Group on the Right to Development of the Commission on Human Rights and called for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights. It emphasized the importance of the decisions contained in Human Rights Council resolution 2006/14 and called on the Council to agree on a programme that would elevate the right to development to the same level as all other human rights and fundamental freedoms recognized in the human rights instruments. Lastly, he said that negotiations on the draft resolution were ongoing and urged all delegations to support it.

Draft resolution A/C.3/61/L.35: Human rights and unilateral coercive measures

50. **Mr. Amorós Núñez** (Cuba) introducing the draft resolution on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, said that the draft resolution urged all States to refrain from adopting unilateral measures that violated international law and the Charter and that prevented people from enjoying their

full human rights. It requested that the resolution should be given priority in the report of the United Nations High Commissioner for Human Rights to the General Assembly. Lastly, it requested the Secretary-General to continue to collect the views of Member States on the negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its sixty-second session. Given the importance of the subject under discussion, he urged all members present to vote in favour of the draft resolution.

The meeting rose at 5.40 p.m.



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Summary record of the 46th meeting

Held at Headquarters, New York, on Thursday, 16 November 2006, at 10 a.m.

Chairman: Mr. Al Bayati (Iraq)

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The meeting was called to order at 11 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (continued) (A/C.3/61/L.54 and L.55)

Draft resolution A/C.3/61/L.54: New international humanitarian order

1. **Ms. Al-Zibdeh** (Jordan), introducing the draft resolution on behalf of the original sponsors and Azerbaijan, Bangladesh, Benin, the Central African Republic, Iraq, Morocco and Thailand, said that the following changes should be made to streamline the text. The words following "20 December 2004" in the first preambular paragraph should be replaced with: "all previous resolutions concerning the promotion of a new international humanitarian order¹ as well as all relevant resolutions, in particular resolution 46/182, of 19 December 1991, on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the annex thereto". Paragraph 2 should be deleted and replaced by the following paragraph: "Invites Member States, the Office for the Coordination of Humanitarian Affairs of the Secretariat, relevant entities of the United Nations system, and intergovernmental and non-governmental organizations, including the Independent Bureau for Humanitarian Issues, to reinforce activities and cooperation so as to continue to develop an agenda for humanitarian action." Lastly, the words "as at previous sessions" in paragraph 3 should be deleted.

Draft resolution A/C.3/61/L.55: Assistance to refugees, returnees and displaced persons in Africa

2. **Mr. Thomas** (Namibia), introducing the draft resolution on behalf of the original sponsors and Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Denmark, Georgia, Greece, Hungary, Indonesia, Japan, Malawi, Portugal and the former Yugoslav Republic of Macedonia, said that it highlighted many new developments with respect to efforts to protect refugees, returnees and displaced persons, including the African Union decision of 29 June 2006 (EX.CL/Dec.284 (XI)). The draft resolution also highlighted the need for the United Nations High Commissioner for Refugees to work to ensure that

refugee camps maintained their civilian and humanitarian character, and it encouraged the Office to continue to collaborate with other relevant actors in the context of its expanded role in the inter-agency response to internal displacement situations.

Agenda item 65: Elimination of racism and racial discrimination (continued)

(a) Elimination of racism and racial discrimination (continued) (A/C.3/61/L.48)

A/C.3/61/L.48: Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

3. **The Chairman** said that the draft resolution had no programme budget implications. Benin, the Central African Republic, Ethiopia and Nigeria had joined in sponsoring the draft resolution.

4. **Mr. Nikiforov** (Russian Federation) said that the resurgence of extremist groups such as neo-Nazis and skinheads who committed violent acts against persons of other races and creeds and against immigrants was a matter of urgent concern for the international community. His delegation supported the activities of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who had drawn attention to the dangers of such a phenomenon. It also supported the draft resolution entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/61/L.53), which would complement the current resolution.

5. The extremist groups mentioned in the draft resolution quite often derived their inspiration from the very practices and ideology which the United Nations had been established to combat. His Government rejected the glorification of persons who had been involved in Nazi crimes and the whitewashing of former members of the Waffen SS, an organization which the Nuremberg Tribunal had recognized as criminal. Such glorification was a matter of concern, especially against the background of the sixtieth anniversary of victory in the Second World War.

6. The purpose of the draft resolution was in no way to bring any specific Government to account; on the contrary, it was a thematic resolution intended to promote cooperation and dialogue. Its adoption would send a clear signal to those who advocated notions of ethnic purity and would make a significant contribution to the elimination of racism, racial discrimination, xenophobia and related intolerance.

7. **Mr. Ceinos-Cox** (United States of America) said that his delegation called for a vote on the draft resolution and would vote against it.

8. It shared the repugnance felt by other Committee members at any attempts to glorify or otherwise promote Nazi ideology. Nevertheless, freedom of speech and expression must be protected. His delegation was concerned that the draft resolution failed to distinguish between actions and statements entitled to be protected under the right to freedom of expression and those which incited violence, which should be prohibited. Freedom of expression was a fundamental human right and was essential for ensuring the enjoyment of other human rights.

9. No Government abhorred and condemned the ideology of Nazism more than did the United States. In addressing the issue of how to preserve free expression, even when confronted with hateful and offensive speech and ideology, the United States Supreme Court Justices Oliver Wendell Holmes, Jr., and Louis Brandeis had argued that the purpose of freedom of expression was to help to protect what they described as a marketplace of ideas. In that vision, Governments should not sanction speech, even when it was offensive or hateful, because of an underlying conviction that in a free society such hateful ideas would fail owing to their own intrinsic lack of merit. Accordingly, while his delegation shared many of the views of other delegations which were supporting the resolution, it could not vote for it as drafted.

10. **Mr. Kelsalo** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Liechtenstein, Moldova and Ukraine, said that the European Union reiterated its strong commitment to combating all forms of racism, xenophobia and

intolerance, including neo-Nazism. To that end it had designated 2007 as the European Year of Equal Opportunities for All, as part of a framework strategy to ensure that discrimination was effectively tackled and diversity was celebrated. Neo-Nazism was a particularly alarming manifestation of racism and xenophobia and afflicted many societies. It needed to be tackled through effective measures at all levels.

11. The European Union had not been able to support the preceding draft resolution in 2005 owing to the text's selective approach, apparent inaccuracies and limited value in countering contemporary forms of racism and xenophobia. Those comments continued to apply to the current text, on which there had been some bilateral consultations but no informal discussions. Moreover, few of the suggestions that the European Union had made had resulted in concrete textual improvements. The text as a whole, and paragraph 4 in particular, laid down unacceptable conditions for the enjoyment of human rights, thus undermining the rights to associate, assemble and express one's opinion, as well as human rights and fundamental freedoms in general. Such conditions were contrary to the International Convention on the Elimination of All Forms of Racial Discrimination, which stated that the measures taken to eliminate racial discrimination must have due regard for the principles of the Universal Declaration of Human Rights and for the rights guaranteed under article 5 of the Convention.

12. The draft resolution focused selectively on skinhead groups, neo-Nazis and former members of the Waffen SS organization, whereas a more comprehensive approach to relevant human rights concerns was clearly preferable. The inaccurate references to the Judgement of the Nuremberg Tribunal should have been rectified. An objective approach would more effectively advance the overall cause of eliminating racism and xenophobia in all their forms and manifestations. Particular concerns could be addressed by the Special Rapporteur and the Committee on the Elimination of Racial Discrimination.

13. For the above reasons, the countries on whose behalf she was speaking would abstain on the draft resolution.

14. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.48.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Japan, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova (Republic of), Monaco, Nepal, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania.

15. Draft resolution A/C.3/61/L.48 was adopted by 107 votes to 3, with 53 abstentions.*

16. **Mr. Shinyo** (Japan) said that his delegation had voted against the draft resolution. While racism, racial discrimination and xenophobia, including neo-Nazism, needed to be tackled at all levels, paragraphs 4 and 8 set out unacceptable conditions and undermined the right to associate, assemble or express an opinion.

17. **Mr. Ballesteros** (Costa Rica) said that his delegation attached particular importance to the resolution and had hoped for its adoption by consensus. However, that hope had been dashed owing to a lack of willingness to negotiate a text which would clearly and categorically condemn as a criminal organization the SS as a whole, and not just one of its components.

18. Unlike the draft resolution adopted by the Commission on Human Rights in 2005, the current text did not refer to the SS organization and all its integral parts, including the Waffen SS, as a criminal organization. It was still not clear why the third preambular paragraph described only one component of the SS, rather than the organization as a whole, as criminal, given the implications in the Judgement of the Nuremberg Tribunal. Nor was it clear why paragraph 2 specifically mentioned the glorification of former members of the Waffen SS organization, without any explanation as to why only that part of the organization was singled out; without that information, his delegation was unable to say whether it was in favour or against that paragraph.

19. His delegation was particularly concerned about paragraph 4, which would unduly restrict the use of judgement on the part of the competent national authorities, including those responsible for ensuring the full and effective enjoyment of fundamental rights and freedoms. Paragraph 5 was likewise too categorical. His delegation was of the view that no right was absolute. One person's right began where another's ended. Under the rule of law, courts and other public entities had been established to determine the boundaries, and any general categorical and a priori assertions with respect to the exercise of fundamental rights and freedoms diluted the pre-eminence of those bodies.

* The delegations of Mauritania and Qatar subsequently informed the Committee that they had intended to vote in favour of the draft resolution, and the delegation of Ukraine that it had intended to abstain.

Agenda item 66: Right of peoples to self-determination (continued) (A/C.3/61/L.46 and L.51)

Draft resolution A/C.3/61/L.46: Universal realization of the right of peoples to self-determination

20. **The Chairman** said that the draft resolution had no programme-budget implications.

21. **Mr. Khane** (Secretary of the Committee) announced that Bahrain, Brunei Darussalam, Kuwait, Nigeria, Panama and South Africa had joined the sponsors.

22. **Mr. Hayee** (Pakistan), speaking on behalf of the sponsors, said that Angola, Cameroon, the Congo, the Niger, Qatar and the United Arab Emirates had also joined the sponsors.

23. The right to self-determination enjoyed primacy in international law, was the cornerstone of the Charter of the United Nations and the two International Covenants on Human Rights and had been affirmed and upheld by all major United Nations and other international summits, declarations and resolutions, including the 2005 World Summit. He hoped that the draft resolution would be adopted by consensus, as a show of the commitment of the United Nations to upholding the right of self-determination.

24. *Draft resolution A/C.3/61/L.46 was adopted.*

25. **Mr. Ainchil** (Argentina) said that peoples under colonial, foreign and alien domination were entitled to exercise the right to self-determination, in accordance with General Assembly resolutions 1514 (XV) and 2625 (XXV). Draft resolution A/C.3/61/L.46, when adopted, should be interpreted and implemented in accordance with those and other relevant resolutions. In the case of the Malvinas, in which the General Assembly had recognized the existence of a sovereignty dispute, Argentina and the United Kingdom should resume negotiations in order to find as soon as possible a peaceful and definitive solution, taking into account the interests of the people of the Islands.

26. **Ms. Pohjankukka** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition,

Moldova and Ukraine, said that the European Union had joined the consensus on the draft resolution because it considered the right of peoples to self-determination to be a fundamental principle of international law. Respect for that right, which required the holding of free, regular and fair elections within the framework of a democratic society, was an important pillar of the international system and was closely associated with respect for all human rights, democracy and the rule of law, including the principle of equality among citizens. Respect for all human rights and fundamental freedoms was also essential, and civil and political rights could contribute to the enjoyment by individuals of economic, social and cultural rights.

27. However, the thrust of the draft resolution was too narrow and should reflect more clearly the practice of self-determination under international law. Furthermore, the text contained a number of inaccuracies under international law: for example, the right to self-determination as stated in the International Covenants related to peoples, not nations. It was also incorrect to suggest that self-determination as such was a precondition for the enjoyment of other human rights. Moreover, the right to return should have been reflected in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights.

28. Such weaknesses in the text undermined the quality of the debate on the issue. It was a pity, too, that the main sponsors had not held discussions on the draft, which did not reflect recent developments, including the general recommendations and jurisprudence of treaty bodies. She hoped that in future the text would be a more effective instrument for encouraging all States to respect their obligations in that area and that greater efforts would be made to address delegations' concerns.

29. **Ms. Escobar** (Bolivarian Republic of Venezuela) said that her delegation had always defended interests relating to sovereignty and the self-determination of peoples and appreciated that the resolution had been adopted by consensus. Nevertheless, she wished to point out that her delegation did not recognize the 2005 World Summit Outcome referred to in the seventh preambular paragraph.

Draft resolution A/C.3/61/L.51: The right of the Palestinian people to self-determination

30. **The Chairman** said that the draft resolution had no programme-budget implications.

31. **Mr. Khane** (Secretary of the Committee) announced that Afghanistan, Albania, Andorra, Angola, Belarus, Belize, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cape Verde, Costa Rica, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, the Gambia, Guyana, Jamaica, Liechtenstein, Moldova, Monaco, Mozambique, the Niger, Romania, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Slovenia, Spain, Sri Lanka, Ukraine, Uzbekistan and Viet Nam had joined the sponsors.

32. **Mr. Afifi** (Egypt), introducing the draft resolution, said that Azerbaijan, Benin, Botswana, Brazil, Croatia, the Democratic Republic of the Congo, Kenya, Madagascar, Malawi, Myanmar, Norway, Slovenia and Turkey had joined the sponsors. He expressed the hope that the draft resolution would be adopted by consensus, which would convey a strong message of solidarity with the Palestinian people.

33. **Mr. Khane** (Secretary of the Committee) announced that the Central African Republic, the Congo, Côte d'Ivoire, Iceland, Lesotho, Liberia, the Libyan Arab Jamahiriya, Maldives, Slovakia, Suriname, Timor-Leste, Togo and Zambia had joined the sponsors of the draft resolution.

34. **Mr. Huimasalo** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania, the candidate countries Croatia, the former Yugoslav Republic of Macedonia, and Turkey; the stabilization and association process countries Albania, Montenegro and Serbia; and, in addition, Liechtenstein, Moldova and Ukraine, said that the European Union continued to be firmly committed to enabling the Palestinian people to fulfil their right to self-determination and to achieving a two-State solution to the Israeli-Palestinian conflict. It looked forward to seeing a viable, sovereign and independent Palestinian State exist side by side with Israel, in peace and within recognized and secure borders. Such a solution provided the best possible guarantee of security for and acceptance of Israel as an integrated partner in the region.

35. The European Union intended to contribute actively to the work of the Quartet in order to revive the Middle East peace process as swiftly as possible with a view to making progress towards a comprehensive settlement on the basis of the road map, relevant United Nations Security Council resolutions and the commitments made at the Sharm-El-Sheikh Summit in 2005, in close cooperation with Arab partners.

36. A political perspective was also needed. In order to support the goal of an independent, democratic and viable Palestinian State based on the rule of law, the European Union continued to help build and strengthen the capacity of the Palestinian institutions. It urged the Palestinians to work towards national unity. A Palestinian Government with a platform reflecting the principles of the Quartet would be a partner that the international community could support in relaunching the peace process.

37. The European Union called on Israel to desist from any actions that threatened the viability of an agreed two-State solution. Settlement activities in and around East Jerusalem and in the Jordan Valley were of particular concern. In that regard, the European Union would not recognize any changes to the pre-1967 borders other than those agreed by both parties.

38. **Ms. Eilon Shahar** (Israel) said that Israel had, on many occasions, explicitly and publicly affirmed its support for the right of the Palestinian people to self-determination. The political impasse in the Middle East did not stem from any denial of that right. Israel and the international community, in embracing the road map, were committed to the idea of building a Palestinian State alongside Israel and had been clear regarding the need of the Palestinian leadership in order to realize the right to self-determination, to embrace and fulfil its national responsibilities by meeting its basic obligations to recognize Israel, renounce terrorism and accept previous agreements. However, the Hamas-led Palestinian Authority, in its brutal terror attacks against Israel, was undermining the national right of its own people. Rather than demonstrating its serious commitment as a partner, the Palestinian Government continued to fund and support terrorists and to refuse to recognize Israel, accept conditions or make concessions. While both sides in the conflict had their rights and responsibilities, and both Israelis and Palestinians deserved the right to live in peace and security, the Palestinian right to self-

determination could not be realized when the same Israeli right was so blatantly denied.

39. The draft resolution omitted to refer to Palestinian terrorist acts and the refusal of the Hamas-led Government to recognize Israel. It was therefore deeply flawed and flagrantly one-sided, ignoring both history and reality. It constituted a further political manoeuvre to discredit Israel when Israel was engaged in a legitimate battle for its existence and self-defence. Her delegation would therefore vote against it.

40. In recent weeks and months, Israel had sent countless letters to the United Nations, warning of a build-up of arms and continuing rocket attacks from Gaza, yet nothing had been said or done in the Third Committee to stop such attacks against Israel or to demand that the Palestinian Authority should take responsibility for the prevention of attacks emanating from its own territory. The Palestinians themselves were the only obstacle to fulfilment of their right to self-determination. The Palestinian Government must meet its basic obligations in order to move forward as a partner with Israel and implement the next step in the road map. The draft resolution, by failing to refer to those basic obligations, sanctioned the manner in which the Palestinians were trying to achieve self-determination: through a campaign of terror rather than through positive acts of self-realization. Voting in favour of the draft resolution would send a message to the Palestinians that they were free to continue to ignore their national responsibilities and had no need to live up to their obligations as responsible citizens of the world.

41. *At the request of the delegation of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.51.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo,

Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova (Republic of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Australia, Canada, Georgia, Haiti.

42. *Draft resolution A/C.3/61/L.51 was adopted by 162 votes to 4, with 4 abstentions.**

43. **Mr. Ainchil** (Argentina) said that his country recognized the right of the Palestinian people to build an independent and viable State. However, the right to self-determination could not be exercised without freedom from foreign domination, and must be interpreted in accordance with the provisions and

* The delegation of Rwanda subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

principles of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 2625 (XXV).

44. **Mr. Miller** (United States of America) said that his country had worked continuously to support the social and economic development and the legitimate political aspirations of the Palestinian people, and that the level of United States assistance to address the needs of Palestinians compared favourably to its aid to any country in the world. The United States did not dispute the right of the Palestinian people to self-determination; it had made clear that its objective was the creation of two sovereign democratic States living side by side in peace and security. Unfortunately, the Palestinian Authority, through its failure to renounce terror, recognize Israel and respect previous agreements, and through its policies, continued to create hardships for the Palestinian people, even though President Abbas, by contrast, remained committed to those principles and to his platform of peace.

45. His delegation had been unable to vote for the draft resolution, which reflected an outdated approach conceived at a time when the Palestinian people had believed that the solution to their problems lay with the United Nations. The role of the United Nations was to support both parties in working with each other. Draft resolution A/C.3/61/L.51 and other similar resolutions, by being one-sided, undermined the credibility of the Organization, which must be seen by both sides as an honest broker in the conflict.

46. **Ms. Nassau** (Australia) said that her country continued to support a peaceful, negotiated settlement between Israel and the Palestinian territories, based on a two-State solution that recognized the legitimate aspirations of the Palestinian people and the right of Israel to exist in peace within secure and recognized borders. Australia had abstained from voting on the draft resolution since it contained unbalanced language that would do nothing to help resolve the Israeli-Palestinian conflict.

47. **Mr. Bowman** (Canada) reiterated his country's strongest possible support for the Palestinian people and their right to self-determination as part of a peaceful, negotiated two-State settlement that would see the emergence of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel and its other neighbours. However,

draft resolution A/C.3/61/L.51 did not adequately address the responsibilities of both parties to the conflict to demonstrate efforts towards establishing such a settlement. His delegation had therefore abstained from voting.

48. **Mr. Alakhder** (Libyan Arab Jamahiriya) welcomed the adoption of the draft resolution, which was a historic victory for the international community, whose will it clearly reflected.

49. **Ms. Rasheed** (Observer for Palestine) welcomed the positive result of the vote, which constituted a clear reaffirmation of the international community's unwavering support for the Palestinian people and their right to self-determination and its respect for the principles of international law and international legitimacy. It was regrettable that the United States delegation had voted against the draft resolution. It was to be hoped that the United States delegation would in future alter its stance to reflect its vision of Israel and Palestine as sovereign States living side by side in peace and security and within recognized borders. Israel's denial of the right of the Palestinian people to self-determination remained the main obstacle to attainment of that goal.

Agenda item 67: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/61/L.19, L.20, L.23 and L.36/Rev.1)

Draft resolution A/C.3/61/L.19: Missing persons

50. **The Chairman** said that the draft resolution had no programme budget implications.

51. **Mr. Gustafik** (Deputy Secretary of the Committee) recalled that when the draft resolution had been introduced, the representative of Azerbaijan had orally revised the text: in the first line of the third preambular paragraph, the word "relevant" had been inserted before the word "resolutions"; at the end of the sixth preambular paragraph, the words "among others" had been inserted; the ninth preambular paragraph had been amended to read "*Taking note with appreciation of the ongoing regional efforts to address the question of missing persons*"; in paragraph 1, the

words "where applicable" had been inserted before the words "in the Additional Protocols thereto"; paragraph 11 had been deleted in its entirety, and the remaining paragraphs had been renumbered accordingly.

52. He announced that Afghanistan, Bangladesh, Belarus, Belgium, Benin, Cameroon, Costa Rica, Croatia, the Democratic Republic of the Congo, Ecuador, Fiji, Honduras, Jamaica, Kazakhstan, Kenya, Kyrgyzstan, Mexico, Qatar, Senegal, Serbia, Spain, Switzerland, the Syrian Arab Republic, Tajikistan, Ukraine and Uzbekistan had joined the sponsors of the draft resolution.

53. **Ms. Ajalova** (Azerbaijan), after stating that Canada, Egypt, Ethiopia, Germany, Peru, the Sudan, the former Yugoslav Republic of Macedonia, Tunisia and Venezuela had also joined the sponsors of the draft resolution, said that the following additional revisions had been made to the text: in the third line of paragraph 5, the phrase "to the best possible extent" had been inserted after the word "provide"; in the fourth line of paragraph 6, the word "working" had been inserted after "actors", and the words "and appropriate" had been inserted after "relevant", while in the fifth line of the same paragraph the phrase "persons reported missing" had been replaced by the words "missing persons".

54. She thanked all delegations for their constructive attitude during the consultations on the text and expressed her appreciation to the International Committee of the Red Cross for its expert assistance in improving the text and achieving consensus on crucial issues. She hoped that the draft resolution, which would send a timely message about the need for efforts at all levels to address the issue, would be adopted by consensus.

55. **Mr. Khane** (Secretary of the Committee) said that the Congo, Côte d'Ivoire, Cyprus, Haiti, Liberia, the Libyan Arab Jamahiriya, Liechtenstein, Romania and Sierra Leone had expressed the wish to be included among the sponsors.

56. *Draft resolution A/C.3/61/L.19, as orally revised, was adopted without a vote.*

57. **Mr. Miller** (United States of America) said his delegation had been happy to join the consensus on the draft resolution but wished to make a number of clarifications. It had assumed that the phrase "right of families to know the fate of their relatives" in

paragraph 3 was based on article 32 of Additional Protocol 1 to the 1949 Geneva Conventions and was therefore binding only on States parties to that Protocol. It had interpreted paragraph 4 to mean that States should take reasonable and appropriate measures to search for missing persons. It had understood the references to "human rights law during armed conflict" in the second, fourth and sixth preambular paragraphs to concern only those provisions, if any, that were appropriate, because the law governing armed conflict was international humanitarian law. Regarding paragraph 9, it had taken the establishment of commissions and working groups to refer to the national and regional levels, with no financial impact for the United Nations system.

Draft resolution A/C.3/61/L.20: Globalization and its impact on the full enjoyment of all human rights

58. **Mr. Khane** (Secretary of the Committee) announced that Cameroon, Côte d'Ivoire, Indonesia, the Libyan Arab Jamahiriya, Malawi, Myanmar, Nicaragua, South Africa, Suriname, Timor-Leste, the United Republic of Tanzania and Uzbekistan had joined the sponsors of the draft resolution.

59. **The Chairman** announced that a recorded vote had been requested by Finland on behalf of the European Union.

60. **Ms. Pohjankukka** (Finland), speaking in explanation of the vote before the voting and on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and in addition, Iceland, Liechtenstein, Moldova, Norway and Ukraine, said that they could not support the draft resolution. As in the past, the draft resolution made the sweeping generalization that globalization had a negative effect on the enjoyment of all human rights. Globalization was a multidimensional phenomenon and also offered the means for tackling acute problems, including extreme poverty. While it was true that its benefits were not equally shared, it did provide opportunities for stimulating growth and prosperity worldwide and could be instrumental in the protection and promotion of human rights. The European Union was convinced that there were human rights and fundamental freedoms that were not adversely affected by

globalization and that the relationship between the two should be assessed case by case. In voting against a similar draft the previous year, the European Union had expressed the hope that the gap between the main sponsors and other delegations could subsequently be bridged through open discussion, in which, regrettably, the main sponsors had shown no willingness to engage.

61. *A recorded vote was taken on draft resolution A/C.3/61/L.20.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated

States of), Moldova (Republic of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Chile, Haiti, Singapore.

62. *Draft resolution A/C.3/61/SR.20 was adopted by 113 votes to 53, with 4 abstentions.**

Draft resolution A/C.3/61/L.23: Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

63. **Mr. Khane** (Secretary of the Committee), speaking in accordance with rule 153 of the rules of procedure, said that, since the terms of paragraph 1, subparagraphs (b) and (c), of the draft resolution concerned administrative and budgetary matters, he called the Committee's attention to the provisions of annex V, part VII (B), of the rules of procedure, to the effect that the text of a draft resolution should not exceed the competence of the relevant Committee. Also, paragraph 40 of the memorandum of the Secretary-General entitled "Organization of the sixty-first regular session of the General Assembly, adoption of the agenda and allocation of items" referred to resolution 45/248 B, section VI, in which the General Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee entrusted with administrative and budgetary matters, had reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions, and had expressed concern at the tendency of its substantive Committees to involve themselves in such matters.

64. **Mr. Gala López** (Cuba) said that Burundi should be removed from the list of sponsors and Azerbaijan, Bangladesh, the Democratic People's Republic of Korea, Eritrea and Togo should be included in it. Speaking on behalf of the sponsors, he reaffirmed the importance of the draft resolution, which was intended to achieve substantive consideration of the geographical representation in the Office of the High

* The delegation of Armenia subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

Commissioner for Human Rights. Under its terms, the General Assembly would decide to provide guidance to the High Commissioner for Human Rights in her efforts to rectify the imbalance in the geographical diversity of her staff.

65. Recent consultations with delegations had resulted in a number of revisions to the preamble: the second preambular paragraph should now read, "*Taking note of all relevant resolutions on this issue adopted by the General Assembly and the Commission on Human Rights*"; in the first line of the fourth preambular paragraph the words "skewed nature" had been replaced by "imbalance in"; the phrase "and noting the low representation from the United Nations regional groups of African, Asian, Eastern European, and Latin American and Caribbean States in the staff of the Office of the United Nations High Commissioner for Human Rights" had been added at the end of the fifth preambular paragraph; and a sixth preambular paragraph had been added reading, "*Reaffirming that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters*".

66. A number of revisions had also been made to the operative part: in the third line of paragraph 1 (b), the word "temporary" had been inserted before "mechanism"; in the third line of paragraph 3 the year "2008" had been replaced by "2009"; in the second line of paragraph 4 (a) the phrase "contained in the report" had been inserted after the word "recommendations"; and paragraph 5 had been replaced by a new paragraph reading, "*Requests the President of the sixty-first session of the General Assembly to bring, as soon as possible, the present resolution to the consideration of the Fifth Committee of the General Assembly in order to facilitate ways and means for its implementation*".

67. His delegation, which had displayed a highly constructive spirit in the discussions on the draft resolution, had been informed that a delegation that had taken no part in the consultations and had expressed no interest in the topic had been conducting procedural manoeuvres to delay adoption of the draft. Any such manoeuvring was an act of bad faith. Given the lateness of the hour, his delegation would be prepared for action on the draft resolution to be deferred to the afternoon meeting, but no later.

Draft resolution A/C.3/61/L.36/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

68. **Ms. Feller** (Mexico), introduced the draft resolution on behalf of the original sponsors and Angola, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cape Verde, Côte d'Ivoire, Egypt, Georgia, Honduras, Indonesia, Israel, Moldova (Republic of), Morocco, Nigeria, Peru, the Russian Federation, the United States of America and Uruguay.

69. The draft resolution recognized that terrorist acts posed a serious threat to the territorial integrity and security of States. It also reaffirmed that States must ensure that any measure taken to combat terrorism complied with their obligations under international law, in particular international human rights, refugee and humanitarian law (para. 1). The draft resolution urged States to respect the safeguards concerning the liberty, security and dignity of the person and to treat all prisoners in all places of detention in accordance with international law (para. 8). Lastly, it recognized the importance of the United Nations Global Counter-Terrorism Strategy (General Assembly resolution 60/288) and welcomed the establishment of the Human Rights Council.

The meeting rose at 1 p.m.



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Held at Headquarters, New York, on Thursday, 16 November 2006, at 3 p.m.

Chairman: Mr. Al Bayati (Iraq)
later: Mr. Ballesterro (Vice-Chairman) (Costa Rica)

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The meeting was called to order at 3.30 p.m.

Agenda item 67: Promotion and protection of human rights (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/61/L.23-L.27, L.31/Rev.1, L.36/Rev.1, L.45/Rev.1 and L.59)

Draft resolution A/C.3/61/L.23: Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

1. **Mr. Miller** (United States of America) reiterated his delegation's concern that the draft resolution infringed on the competencies of the Fifth Committee and recalled the almost unprecedented oral statement to that effect by the Secretary of the Committee. Even with the new paragraph 5, which would require the President of the General Assembly to bring the draft resolution to the consideration of the Fifth Committee, the text was unacceptable, since it called for the General Assembly to first adopt the draft resolution and then send it to the Fifth Committee. Such procedural matters, which could give rise to confusion, should at least be discussed by the Bureaux of the General, Third and Fifth Committees and the plenary Assembly. Unless they were resolved, his delegation would be unable to support the adoption of the current text.

2. **Mr. Gala** (Cuba) said that the Committee should not waste any more time in procedural wrangling but instead should proceed to take action on the draft resolution. The geographical imbalance in the staff of the Office of the High Commissioner was an issue of great concern to most delegations and had often been raised in the Commission on Human Rights. All interested delegations had had the opportunity to make their views known during the informal consultations; the text as orally revised took into account the concerns raised. The United States delegation had not participated in the consultations and was simply seizing on a procedural argument to delay adoption of the draft resolution.

3. **Mr. Keisalo** (Finland), speaking in explanation of vote before the voting on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries the former Yugoslav Republic of Macedonia and Turkey; the stabilization and

association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Iceland, Moldova, Norway and Ukraine, expressed support for the efforts of the High Commissioner for Human Rights to improve gender balance and geographical distribution in the composition of the staff of her Office, including with regard to eastern Europe, the most under-represented region. Due regard must be paid to recruiting staff on as wide a geographical basis as possible but the paramount consideration must be the necessity of securing the highest standards of efficiency, competence and integrity, in accordance with Article 101 of the Charter of the United Nations.

4. The current draft resolution, however, raised a number of concerns. Cross-cutting issues such as human resources policy were matters to be considered by the Fifth Committee. Furthermore, it was not appropriate for the Organization's intergovernmental machinery to separately manage the human resources policy of the Office of the High Commissioner for Human Rights, which formed part of the Secretariat and must be addressed in the broader context of human resources issues. He recalled that General Assembly resolution 45/248 B reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters and expressed concern at the tendency of substantive committees and other intergovernmental bodies to involve themselves in such matters. The Fifth Committee therefore remained the appropriate forum in which to address issues of human resources policy, including improving geographical distribution.

5. The European Union appreciated the efforts of the delegation of Cuba to build a broad consensus with regard to the draft resolution and to consult with the Office of the High Commissioner for Human Rights. It nevertheless believed that adoption of the draft resolution would be a violation of the rules and regulations of the General Assembly, and the countries on whose behalf he spoke would therefore abstain from voting.

6. **Ms. Blitt** (Canada), speaking also on behalf of Australia, said that the two countries would vote against the draft resolution out of concern for the rules of procedure and the respective responsibilities of the Main Committees. Administrative and budgetary matters, including the issue of geographical

distribution, should be addressed only by the bodies having the jurisdiction and expertise required to resolve the issue. Pursuant to rule 98 of the rules of procedure of the General Assembly, such matters were the purview of the Fifth Committee. Furthermore, according to annex IV, paragraph 96, of the rules of procedure of the General Assembly, the text of a draft resolution should not go beyond the competence of the Committee in which it was submitted. General Assembly resolution 45/248 B likewise affirmed that the Fifth Committee was the Main Committee of the General Assembly responsible for administrative and budgetary matters.

7. **Mr. Shinyo** (Japan) said that, not only did paragraph 1 (b) of the draft resolution encroach on the area of responsibility of the Fifth Committee, but the establishment of a special recruitment mechanism would be in conflict with the current system of recruitment through national competitive examinations. His delegation would vote against the draft resolution.

8. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.23.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone,

South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Japan, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania.

9. Draft resolution A/C.3/61/L.23, as orally revised, was adopted by 112 votes to 6, with 54 abstentions.

10. **Mr. Cheok** (Singapore) said that his delegation had abstained from voting because although it too shared concerns about the need to address the current imbalance in the geographical distribution of the staff of the Office of the High Commissioner, it was not convinced the remedy proposed would be the most effective solution. Rather than trying to circumvent the national competitive examination system, which could be interpreted as implying that candidates from the developing countries could not meet the required standard, efforts to address the geographical imbalance should focus on removing any bias from that system.

11. **Mr. Miller** (United States of America) said that, since paragraph 5 of the draft resolution, as orally revised, called for referral of the draft resolution to the Fifth Committee, his delegation looked forward to discussing the issues raised by the text in that forum.

12. **Ms. Hoosen** (South Africa) said that her delegation had voted in favour of the draft resolution because it believed the geographical imbalance in the

staff of the Office of the High Commissioner must be addressed. At the same time, it was of the view that the appropriate forum for discussion of administrative and budgetary matters was the Fifth Committee, and it therefore welcomed the oral revisions to the text of the draft resolution, which would ensure that it was referred to the Fifth Committee for review.

13. **Mr. Ballesterio** (Costa Rica) stressed the importance of correcting the geographical imbalance in the Office of the High Commissioner and supported the motivation underlying the draft resolution. He too, however, was concerned that the establishment of a temporary mechanism might be construed as denigrating candidates from the developing countries. Furthermore, he agreed that the appropriate forum for the consideration of administrative and budgetary matters was the Fifth Committee.

14. **Mr. Ferrer Arenas** (Cuba) welcomed the adoption of the draft resolution as a strong message of support for the need to improve the representation of under-represented regional groups on the staff of the Office of the High Commissioner. He noted that the delegations that had opposed the draft resolution were members of the regional group that was most over-represented on the staff of the Office of the High Commissioner.

15. **Ms. Kafanabo** (United Republic of Tanzania) said that her Government was a firm believer in equitable geographical distribution of staff and was deeply concerned about the geographical imbalance of the staff in the Office of the United Nations High Commissioner for Human Rights. Her delegation had however abstained from voting because it believed that the Fifth Committee was the competent committee to discuss the issue.

Draft resolution A/C.3/61/L.24: Promotion of a democratic and equitable international order

16. **The Chairman** said he had been informed that the draft resolution had no programme budget implications. He announced that Bolivia, Botswana, the Central African Republic, Lesotho, Uzbekistan, Venezuela and Zambia had become sponsors of the draft resolution.

17. **Mr. Cumberbatch Miguén** (Cuba), after stating that the Gambia and Suriname had also become sponsors, said that the draft resolution highlighted the close link between international economic, political

and social conditions and the promotion of human rights for all. He hoped that it would be adopted by consensus.

18. **Ms. Pohjankukka** (Finland), speaking in explanation of vote before the voting on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Liechtenstein and Moldova, said that the European Union believed it necessary to work towards a democratic and equitable international order and fully recognized that the issues raised in the draft resolution required careful analysis and action by all nations. Several elements in the text, however, went far beyond the competence of the Committee and were not dealt with in a comprehensive manner but rather were quoted selectively and out of context.

19. The Third Committee was not the right forum in which to address the matters raised in the draft resolution. For example, the text underlined the responsibility of the international community to control the mechanisms of globalization while omitting the duties and obligations of States, a consideration to which the European Union attached great importance. The European Union would therefore vote against the draft resolution.

20. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.24.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's

Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Mexico, Peru.

21. *Draft resolution A/C.3/61/L.24 was adopted by 117 votes to 56, with 3 abstentions.*

Draft resolution A/C.3/61/L.25: Elimination of all forms of intolerance and of discrimination based on religion or belief

22. **Mr. Khane** (Secretary of the Committee), speaking with regard to the financial implications of the draft resolution, and referring to paragraphs 20 and 21 thereof, recalled that the Secretary-General, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second

special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved under section 23, Human rights, of the programme budget for the biennium 2006-2007.

23. By decision 1/102 the Human Rights Council had decided to extend exceptionally for one year the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, of the Subcommission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). The Special Rapporteur on freedom of religion or belief fell within the purview of that decision.

24. **Ms. Pohjankukka** (Finland), speaking on behalf of the European Union and other sponsors, noted that Mexico was no longer a sponsor of the draft resolution and that the following countries had joined in sponsoring it: Azerbaijan, Brazil, Canada, Colombia, Costa Rica, El Salvador, Guinea-Bissau, Honduras, Mauritius, Montenegro, Mozambique, Palau, Sao Tome and Principe, Sierra Leone and Uruguay. The draft resolution currently had 95 sponsors, exceeding the previous year's number, when the draft resolution had been adopted by consensus, thereby reflecting the common determination of the international community to adopt all necessary measures to prevent and eliminate intolerance and discrimination based on religion or belief.

25. Although the draft resolution had been submitted by the members of the European Union, it reflected the common will of the international community. It reaffirmed the importance of freedom of thought, conscience and religion in the international human-rights system and expressed concerns about intolerance and discrimination on the grounds of religion or belief. It highlighted the role of education and dialogue in enhancing mutual understanding and knowledge and promoting freedom of religion and tolerance. It also expressed firm support for the work of the Special Rapporteur. The European Union had and would continue to consult extensively on the draft resolution in the hope that, like last year, all delegations would join the consensus.

26. **Mr. Khane** (Secretary of the Committee) announced that Burundi, Côte d'Ivoire, Lesotho, Liberia and Serbia had also become sponsors of the draft resolution.

27. *Draft resolution A/C.3/61/L.25 was adopted.*

28. **Ms. Halabi** (Syrian Arab Republic) said that her country rejected all forms of intolerance and discrimination based on religion or belief and was in favour of promoting dialogue and mutual understanding. It was encouraging to see the draft resolution's insistence that religion should not be equated with terrorism and its call for efforts to combat intolerance. Although her delegation supported most of the provisions of the draft resolution, it had strong reservations with regard to paragraph 4 (a), which was at odds with the teachings of Islam.

Draft resolution A/C.3/61/L.26: Respect for the right to universal freedom of travel and the vital importance of family reunification*

29. **The Chairman** said that the draft resolution had no programme budget implications.

30. **Mr. Ferrer Arenas** (Cuba), said that the international community had a duty to support the family, which was, as stated in the draft resolution, the basic unit of society. Accordingly, everything possible should be done to promote family reunification, protect the right of citizens to return to their countries of origin and facilitate the free flow of remittances from people living abroad to their home countries. He urged all delegations to vote in favour of the draft resolution.

31. **Mr. Khane** (Secretary of the Committee) announced that Bolivia, the Democratic Republic of the Congo and Venezuela (Bolivarian Republic of) had joined the list of sponsors of the draft resolution.

32. **Mr. Miller** (United States of America) requested a recorded vote on the draft resolution. He said that his delegation was voting against the draft resolution because, by referring to a universal right to travel, it confused the right of an individual to live in a country and to enter his or her own country with the right of a sovereign State to determine who can enter its country. Moreover, while the United States promoted the concept of family reunification, there was no such right under international law or any national law.

33. The United States Government was in favour of humane and orderly immigration. Approximately 20

per cent of all migrants in the world lived in the United States and of the 1 million permanent legal residents who had come to the United States in 2005, 60 per cent had been accepted under the family reunification programme. His country recognized the importance of family reunification and had a generous immigration policy. It recognized the benefits of remittances by immigrants to their home countries, not as a legal right, but as private flows between individuals. States had the power to establish economic relations with other States, and citizens and residents should comply with any restrictions on international flows.

34. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.26*.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Palau, United States of America.

Abstaining:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Singapore, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland.

35. *Draft resolution A/C.3/61/L.26* was adopted by 116 votes to 3, with 58 abstentions.*

36. **Mr. Suarez** (Colombia) said that his delegation was voting in favour of the resolution, but explained that when the matter came up again, it needed to include a provision calling for the Secretary-General or the United Nations High Commissioner for Human Rights to present a report to the General Assembly relating to the implementation of the resolution and taking into account the views of States and NGOs on the various provisions of the resolution and the possibility of making adjustments in the future for it to produce more effective results.

37. **Mr. Ballesterio** (Costa Rica), *Vice-Chairman*, took the Chair.

Draft resolution A/C.3/61/L.27: The right to food

38. **Mr. Khane** (Secretary of the Committee), speaking with regard to the financial implications of the draft resolution, and referring to the provisions of paragraph 23 thereof, recalled that the Secretary-General, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to Human Rights Council decision 1/102,

within resources approved under section 23, Human rights, of the programme budget for the biennium 2006-2007.

39. By decision 1/102, the Human Rights Council had decided to extend exceptionally for one year the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, of the Subcommission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). The Special Rapporteur on the right to food fell within the purview of that decision.

40. **Mr. Cumberbatch Miguén** (Cuba) said that the draft resolution included many of the relevant recommendations in the report of the Special Rapporteur. His delegation hoped that the implementation of its provisions would help eliminate the scourge of hunger in a world where one child under the age of five died every five seconds owing to disease or hunger and where 854,000 people suffered from malnutrition. In addition to the original sponsors listed in the document and those announced by the Secretariat, Bulgaria, Cambodia, Cyprus, India, Oman and Sri Lanka had joined in sponsoring the draft resolution.

41. **Mr. Khane** (Secretary of the Committee) announced that Bolivia, the Central African Republic, Gabon, Guinea-Bissau, Hungary, Lithuania, Mauritius, Qatar, Sierra Leone and Ukraine had joined the list of sponsors.

42. **Mr. Miller** (United States), after requesting a recorded vote on the draft resolution, said that his country was committed to food and food security and was the largest donor of humanitarian food aid in the world. He agreed with the sentiment expressed in the draft resolution that food was profoundly important but could not support the text. His Government had always maintained that the right to food or the right to be free of hunger was a goal to be attained progressively and did not give rise to any international obligations or diminish the responsibilities of national Governments to their citizens. In the light of that long-standing position, his delegation found that the current draft resolution, like many others before it, contained many objectionable provisions, including inaccurate textual descriptions of the underlying right.

43. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.27.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela

(Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

44. *Draft resolution A/C.3/61/L.27 was adopted by 175 votes to 1.*

45. **Mr. Cumberbatch Miguén** (Cuba), after noting that the French version of the draft resolution did not include Cuba as a sponsor, requested that all language versions should be checked to ensure that Cuba was listed among the sponsors. He was happy with the overwhelming support for the draft resolution.

Draft resolution A/C.3/61/L.31/Rev.1: Promotion of equitable and mutually respectful dialogue on human rights

46. **Mr. Khane** (Secretary of the Committee), read out a statement in accordance with rule 153 of the rules of procedure of the General Assembly in connection with paragraph 6 of the draft resolution, which stated that the General Assembly would stress the continuing need for unbiased and objective information on the situation of human rights in all countries and the impartial presentation of such information, including through the reports of the special rapporteurs and representatives, independent experts and working groups.

47. As already indicated in the oral statement on the programme-budget implications of draft resolution A/C.3/61/L.31, he recalled that the Secretary-General, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions already existed under section 2, General Assembly and Economic and Social Council affairs and conference management, in respect of conference costs, estimated at \$330,900 to implement Human Rights Council decision 1/103.

48. With regard to other costs estimated at \$39,400, in connection with activities called for in the draft resolution, it was expected that the requirements would be absorbed within existing provisions for section 23, Human rights (travel and daily subsistence allowance

requirements: \$32,800 and section 28E, Administration, Geneva (conference support costs: \$6,600) of the programme budget for the biennium 2006-2007. Accordingly, no additional appropriations would be required.

49. **Mr. Rachkov** (Belarus), introducing the revised draft resolution on behalf of the original sponsors and India and Iran, drew attention to paragraph 4, which stressed the need to avoid politically motivated and biased country-specific resolutions on the situation of human rights, the selective targeting of individual countries and the application of double standards in the work of the United Nations human rights bodies. That position had been approved by the Heads of State or Government of Non-Aligned Countries, and it also reflected the spirit of the process that the General Assembly had set in motion with the creation of the Human Rights Council. There was one small revision to the text of the draft resolution: the words "through international cooperation" in the last line of the third preambular paragraph should be deleted.

50. **Mr. Gustafik** (Secretary of the Committee) announced that Angola, Benin, the Democratic People's Republic of Korea, Guinea-Bissau, Viet Nam and Zimbabwe had joined the list of sponsors of draft resolution A/C.3/61/L.31/Rev.1.

51. **The Chairman** said that the representative of the United States had requested a recorded vote on the draft resolution.

52. **Mr. Miller** (United States of America), speaking in explanation of vote before the voting, recalled that the United Nations had been established as a result of nations' commitment to join together to protect humanity. Accordingly, draft resolution A/C.3/61/L.31/Rev.1 had much to recommend it, since it called for mutually respectful dialogue and the elimination of politically motivated or biased country-specific resolutions. However, on many occasions the United Nations had approached grave situations in specific countries in an even-handed manner, bringing hope to the oppressed and promoting reform.

53. The draft resolution before the Committee should be judged on the motives of the original sponsors, both of which were long-term abusers of human rights. For that reason, and because the text could be misinterpreted as calling for limitations on country-specific resolutions, he would be voting against its adoption and hoped that other Member States would do

likewise, thereby preserving one of the Organization's best tools for fulfilling its mandate in the area of human rights.

54. **Ms. Pohjankukka** (Finland), speaking on behalf of the European Union and, in addition, Bulgaria, Croatia, Moldova, Montenegro, Norway, Romania, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, said that the promotion and protection of human rights should be based on cooperation and dialogue. Consequently, the European Union agreed fully with the purported objective of the draft resolution. Nevertheless, cooperation and dialogue were effective only insofar as the political will to change also existed, and that was not always the case. Indeed, Belarus, one of the sponsors of the draft resolution, had thus far failed to cooperate or enter into meaningful dialogue with the human rights machinery of the United Nations. Where an approach based on cooperation and dialogue failed, the international community must not remain silent. Doing so would let down the very people it was trying to protect.

55. The European Union therefore had fundamental concerns about the true objective of the draft resolution, which appeared to be an attempt to stifle all legitimate expressions of concern by the United Nations about the human rights situation in particular countries. Politically motivated or biased country-specific resolutions should be avoided, but the European Union totally rejected the overall inference that country-specific resolutions by definition fell into those categories. Many such resolutions had been adopted by consensus and negotiated with the countries concerned and they had often proved to be valuable tools for dialogue and cooperation. Furthermore, some human rights situations were, by all objective and impartial accounts, so serious that the United Nations could not remain silent even when the country concerned was not open to cooperation. To suggest that the Organization was acting in a biased or politically motivated fashion in those cases was grotesque.

56. She was also concerned about other aspects of the text, in particular its reference to only one of the tools available to the Human Rights Council. In addition, while the European Union attached considerable importance to advancing the establishment of the universal periodic review, the latter would not replace the work of the General Assembly or render other country-specific tools redundant. In order to contribute to the prevention of human rights violations and to

respond promptly to emergencies, the United Nations human rights machinery must continue to address such violations in a timely manner, rather than waiting until the situation in a particular country was being examined within the framework of the future universal periodic review.

57. Although the European Union had engaged in last-minute negotiations on the draft resolution, only a very small number of its proposals had been considered by the sponsors. Accordingly, it would be voting against the adoption of the text.

58. **Ms. Feller** (Mexico) said that dialogue and cooperation were fundamental to the promotion and protection of human rights. In that connection, the new Human Rights Council and the forthcoming universal periodic review mechanism should ensure that human rights questions were discussed in an objective and non-selective manner and eliminate double standards and excessive politicization. In future, therefore, the number of country-specific resolutions should decrease, and resolutions that were not motivated by a desire to protect human rights would no longer be considered.

59. However, the terms of reference of the Human Rights Council and the universal periodic review did not preclude the submission of country-specific resolutions, particularly when all other avenues had been exhausted. In any event, it would be premature to prejudge the outcome of the deliberations of the Working Group established to develop the modalities of the universal periodic review mechanism.

60. She had serious concerns about the real reasons for the submission of the draft resolution and about the increasing number of initiatives designed to disrupt the political climate in which human rights questions were considered. Accordingly, she would be voting against the adoption of draft resolution A/C.3/61/L.31/Rev.1.

61. **Ms. Blitt** (Canada) said that she did not agree with the thesis behind the draft resolution or its intention. Country-specific resolutions were an important tool for dealing with serious human rights violations and situations where technical assistance could be useful. The draft resolution at issue was clearly politically motivated, as it sought to circumscribe efforts to address human rights questions, and her delegation would therefore be voting against its adoption.

62. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.31/Rev.1.*

In favour:

Algeria, Angola, Azerbaijan, Bahrain, Belarus, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Cambodia, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Eritrea, Gabon, Gambia, Grenada, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Antigua and Barbuda, Armenia, Bahamas, Bangladesh, Barbados, Belize, Brazil, Costa Rica, Dominica, El Salvador, Ethiopia, Fiji, Ghana, Guyana, Haiti, Iraq, Jordan, Madagascar, Malawi,

Mauritius, Nigeria, Papua New Guinea, Paraguay, Rwanda, Uganda, United Republic of Tanzania.

63. *Draft resolution A/C.3/61/L.31/Rev.1, as orally revised, was adopted by 77 votes to 63, with 26 abstentions.*

64. **Mr. Meyer** (Brazil) said that, while country-specific resolutions on human rights were not constructive, a comprehensive study on that issue should be conducted before the General Assembly took a final decision. Accordingly, he had abstained from the voting.

65. **Mr. Shinyo** (Japan) said that he had voted against the draft resolution. It was his understanding that its adoption did not prevent any State from pursuing country-specific human rights resolutions, which could improve the situation on the ground and also served as a good basis for dialogue, provided that the parties concerned had the necessary good will.

Draft resolution A/C.3/61/L.36/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

66. **Mr. Khane** (Secretary of the Committee) announced that Angola, Belarus, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cape Verde, Côte d'Ivoire, Egypt, Georgia, Honduras, Iceland, Indonesia, Israel, Lebanon, Moldova, Morocco, Nigeria, Peru, Russian Federation, Senegal, Ukraine, United Republic of Tanzania, United States of America and Uruguay had joined the sponsors.

67. With regard to the financial implications of the draft resolution, and referring to the provisions of paragraphs 14 and 17 thereof, he recalled that the Secretary-General, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved under section 23, Human rights, of the programme budget for the biennium 2006-2007.

68. By decision 1/102, the Human Rights Council had decided to extend exceptionally for one year the mandates and the mandate holders of all the special

procedures of the Commission on Human Rights, of the Subcommission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). The Special Rapporteur on the promotion and protection of human rights while countering terrorism fell within the purview of that decision.

69. **Ms. Feller** (Mexico), introducing the draft resolution, said that Costa Rica, Italy and the Bolivarian Republic of Venezuela had joined the sponsors.

70. *Draft resolution A/C.3/61/L.36/Rev.1 was adopted.*

Draft resolution A/C.3/61/L.45/Rev.1: Extrajudicial, summary or arbitrary executions

71. **Mr. Khane** (Secretary of the Committee) pointed out that Greece should have been included in the list of original sponsors.

72. With regard to the financial implications of the draft resolution, and referring to the provisions of paragraphs 17 and 18 thereof, he recalled that the Secretary-General, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved under section 23, Human rights, of the programme budget for the biennium 2006-2007.

73. By decision 1/102, the Human Rights Council had decided to extend exceptionally for one year the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, of the Subcommission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). The Special Rapporteur on extrajudicial, summary or arbitrary executions fell within the purview of that decision.

74. **Mr. Berg** (Sweden), speaking on behalf of the five Nordic countries, introduced the draft resolution and noted that Australia, Bulgaria, Honduras, Montenegro and Turkey had joined the sponsors. There were two minor revisions to paragraph 13: the word

"on-site" should be deleted and the words "an indispensable component" should be replaced with the words "one of the tools for the fulfilment". Although it had not been possible to reach consensus on the draft resolution, the work accomplished would provide a good basis for future discussions.

75. **The Chairman** drew attention to the proposed amendments to draft resolution A/C.3/61/L.45/Rev.1 contained in document A/C.3/61/L.59.

76. **Mr. Berg** (Sweden) said that the two amendments proposed in document A/C.3/61/L.59 were not acceptable to his delegation. He therefore requested a recorded vote on each paragraph.

77. **Mr. Afifi** (Egypt) expressed regret that consensus had not been possible on a draft resolution which dealt with an abhorrent and repugnant practice. Unfortunately, as in the past, the text of the draft had been overloaded with extraneous elements, such as the attempt, in paragraph 4, to equate the death penalty with arbitrary executions; his delegation totally rejected that assertion. Furthermore, the list in paragraph 5 (b) should be omitted, since it did not include one of the main reasons for the persistence of extrajudicial executions, namely, foreign occupation.

78. **Mr. Berg** (Sweden), speaking in explanation of vote before the voting, said that, while delegations had interpreted paragraph 4 in a number of different ways, they had all agreed on the fundamental notion underlying it. The intention was not to judge States that continued to implement the death penalty. He would be voting against the proposed amendments contained in document A/C.3/61/L.59 and urged other delegations to do likewise.

79. **Mr. Alsaif** (Kuwait) said it was regrettable that the sponsors had not fully taken into account the concerns of other delegations, including those of the Islamic group, so as to make it possible for the draft resolution to be adopted by consensus. There was absolutely no need for the selectivity reflected in paragraphs 4 and 5. Also, his delegation did not accept the idea of including certain types of execution under the three categories of extrajudicial, summary or arbitrary executions.

80. *At the request of the representative of Sweden, a recorded vote was taken on paragraph 1 of the amendment contained in document A/C.3/61/L.59.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Botswana, Brunei Darussalam, China, Djibouti, Dominica, Egypt, Ethiopia, Grenada, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Nicaragua, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Saudi Arabia, Senegal, Singapore, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Belarus, Bhutan, Burundi, Colombia, Congo, Côte d'Ivoire, Fiji, Guinea-Bissau, Kenya, Liberia, Mauritius, Mongolia, Namibia, Nepal, Russian Federation, Sierra Leone, Sri Lanka, Swaziland, Tuvalu, Uganda, United Republic of Tanzania, United States of America.

81. *The proposed amendment was rejected by 71 votes to 62, with 23 abstentions.*

82. *At the request of the representative of Sweden, a recorded vote was taken on paragraph 2 of the amendment contained in document A/C.3/61/L.59.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Benin, Botswana, Brunei Darussalam, China, Colombia, Comoros, Djibouti, Egypt, Ethiopia, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Montenegro, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Antigua and Barbuda, Bahamas, Barbados, Belarus, Belize, Bhutan, Bosnia and Herzegovina, Burundi, Congo, Côte d'Ivoire, Dominica, Fiji, Guinea-Bissau, Jamaica, Kenya, Liberia, Mauritius, Mongolia, Namibia, Nepal, Philippines, Sierra Leone, Sri Lanka, Uganda, United Republic of Tanzania.

83. *The proposed amendment was rejected by 69 votes to 57, with 25 abstentions.*

84. **Mr. Berg** (Sweden), speaking in explanation of vote after the vote, said that the focus of paragraph 5 (b) of the draft resolution, as orally revised, was on the State and its responsibilities in the situations mentioned. It was not the intention of the sponsors to claim that members of the groups mentioned in paragraph 5 (b) were somehow more deserving of protection than other persons, but merely to call for the same level of protection to be accorded to them as was the case for all others. The text as proposed did not imply any value judgement relating to any of the groups or activities mentioned.

85. Speaking in explanation of vote before the vote on paragraphs 4 and 5 (b) of the draft resolution, he said that his delegation would vote in favour of both paragraphs.

86. *At the request of the representative of Sweden, a recorded vote was taken on paragraph 4 of draft resolution A/C.3/61/L.45/Rev.1, as orally revised.*

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Dominica, Egypt, Guyana, Indonesia, Iran (Islamic Republic of),

Iraq, Jamaica, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Singapore, Sudan, Suriname, Syrian Arab Republic, Trinidad and Tobago, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Abstaining:

Burundi, Central African Republic, Congo, Guinea-Bissau, India, Japan, Jordan, Kenya, Lesotho, Liberia, Madagascar, Mali, Mongolia, Morocco, Niger, Palau, Russian Federation, Sierra Leone, Sri Lanka, Swaziland, Thailand, Tunisia, Uganda, United Republic of Tanzania, United States of America, Zambia.

87. *Paragraph 4 was retained by 89 votes to 38, with 26 abstentions.*

88. **Mr. Shinyo** (Japan), speaking in explanation of vote after the vote, said that he had abstained in the vote on paragraph 4 of the draft resolution because the language used was inadequate. The request to comply with international human rights instruments was directed only at those States in which the death penalty had not been abolished, whereas his delegation believed that it should be addressed to all Member States, regardless of whether or not they had the death penalty. His delegation hoped that consensus would be possible at the next session.

89. *At the request of the representative of Sweden, a recorded vote was taken on paragraph 5 (b) of draft resolution A/C.3/61/L.45/Rev.1, as orally revised.*

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cameroon, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania,

San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Bahrain, Botswana, Brunei Darussalam, China, Comoros, Djibouti, Egypt, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Singapore, Sudan, Syrian Arab Republic, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Abstaining:

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Cambodia, Congo, Dominica, Ethiopia, Grenada, Guyana, Jordan, Kenya, Lesotho, Liberia, Mongolia, Morocco, Namibia, Niger, Philippines, Russian Federation, Sri Lanka, Swaziland, Thailand, Tunisia, Uganda, United Republic of Tanzania, Zambia.

90. *Paragraph 5 (b) was retained by 93 votes to 30, with 28 abstentions.*

91. **Mr. Berg** (Sweden) said that his delegation hoped that in future years consensus on the draft resolution would be restored. As the votes just taken had shown, however, the text as submitted by the sponsors already enjoyed the support of the majority of delegations present. He hoped that the differences of opinion demonstrated by those votes would not prevent the Committee from confirming once again the commitment of all Member States to the core objective of the resolution. The request for a vote on the draft resolution came as quite a surprise to the sponsors. He would be voting in favour, and he urged all other delegations to do likewise.

92. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.45/Rev.1 as a whole, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Zambia.

Against:

None.

Abstaining:

Bahamas, Bahrain, Bangladesh, Brunei Darussalam, Burkina Faso, Burundi, China, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Uganda, United Arab Emirates, United

Republic of Tanzania, United States of America, Viet Nam, Yemen, Zimbabwe.

93. *The draft resolution was adopted by 129 votes to none, with 42 abstentions.**

94. **Ms. Abdelhak** (Algeria) said that her delegation had voted in favour of the draft resolution to reaffirm its commitment to the elimination of extrajudicial, summary and arbitrary executions. It had also voted for the amendments submitted by Azerbaijan on behalf of the Organization of the Islamic Conference. The proposed amendment to paragraph 4 was intended to reflect the current legal reality. The proposed amendment to paragraph 5 (b) would avoid a description that would make it difficult to achieve broad support on the sensitive question of extrajudicial, summary or arbitrary executions. She hoped that at the sixty-second session, new wording could be found that would make it possible to adopt the resolution by consensus.

95. **Mr. Miller** (United States of America) said that the United States abhorred and condemned all extrajudicial, summary and arbitrary executions, and its legal system included many protections against such practices. Unfortunately, the draft resolution strayed into areas beyond its stated scope. It could be misunderstood as blurring the historically rooted and logical distinction between human rights law and international humanitarian law. The third and sixth preambular paragraphs failed to delineate carefully the spheres of application of international humanitarian law, which was the law of armed conflict, and international human rights law. The resolution further erred by failing to recognize that the concept of extrajudicial, summary and arbitrary executions and killings was not one that was applicable during armed conflict, where there was a separate, well-developed body of law governing unlawful killing. Under the Geneva Conventions of 1949, it was a grave breach to kill prisoners of war or protected persons wilfully or to sentence them without fair and regular trial rights. Thus, the law of war provided a related but different framework for addressing that abhorrent conduct. The third and seventh preambular paragraphs failed to acknowledge the separate framework for addressing

* The delegation of Gabon subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

unlawful killing during armed conflict and threatened to undermine the important protections provided for prisoners of war and civilians by the law of war.

96. In a similar vein of overreaching and politicizing the text unnecessarily, paragraph 7 welcomed the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions. Even supporters of the Court should be willing to acknowledge that that statement was factually inaccurate. Under the Rome Statute, the International Criminal Court had jurisdiction over genocide, war crimes and crimes against humanity; it had no jurisdiction over extrajudicial, summary or arbitrary executions as such. Accordingly, the International Criminal Court did not in fact make a significant contribution to the fight against extrajudicial, summary or arbitrary executions. The sponsors' insistence on including references to the Court in the draft resolution served only to politicize the topic and made it more difficult for the international community to speak with one voice in the fight against extrajudicial, summary or arbitrary executions. The continued concerns of the United States about the Rome Statute were well known.

97. Overall, his delegation's assessment was that the draft resolution strayed into areas beyond the scope of extrajudicial, summary or arbitrary executions or killings in a way that did not provide helpful guidance to the international community but rather risked creating confusion and detracting from its intended purpose. His delegation hoped that the sponsors of the draft resolution would allow other delegations to work closely with them next time so as to develop a more focused text.

98. **Ms. Baleseng** (Botswana) said that her delegation had voted for the draft resolution because it condemned in the strongest terms all extrajudicial, summary and arbitrary executions. However, her delegation completely dissociated itself from paragraph 4 of the draft resolution, which should be applied to all countries, not only those in which the death penalty existed. Also, her delegation objected to the inclusion of the words "sexual orientation" in paragraph 5 (b).

The meeting rose at 6.10 p.m.



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Held at Headquarters, New York, on Friday, 17 November 2006, at 10 a.m.

Chairman: Mr. Al Bayati (Iraq)

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06-61956 (E)



The meeting was called to order at 10.20 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (continued) (A/C.3/61/L.47)

Draft resolution A/C.3/61/L.47: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

1. **The Chairman** invited the Committee to adopt the draft resolution.
2. *Draft resolution A/C.3/61/L.47 was adopted.*
3. **Mr. Ballesterro** (Costa Rica), after thanking the delegation of Estonia for sponsoring the draft resolution and the other delegations for their support, reaffirmed Costa Rica's well-known commitment to refugees and its determination not only to defend their interests but also to ensure that the Executive Committee established best practices.

Agenda item 64: Indigenous issues (continued)
(A/61/376 and 490)

- (a) **Indigenous issues (continued)**
- (b) **Second International Decade of the World's Indigenous People (continued)**
4. **The Chairman** said that since no draft resolution had been submitted under agenda item 64, he invited the Committee to take note, in accordance with General Assembly decision 55/488, of the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/61/490) and the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations (A/61/376).
5. *It was so decided.*

Agenda item 65: Elimination of racism and racial discrimination (continued)

- (a) **Elimination of racism and racial discrimination (continued) (A/C.3/61/L.49)**

Draft resolution A/C.3/61/L.49: Elimination of racism and racial discrimination

6. **The Chairman** said that the draft resolution had no programme budget implications.

7. **Ms. Klopčič** (Slovenia), introducing the draft resolution on behalf of the original sponsors, Belgium and Slovenia, as well as Andorra, Angola, Armenia, Azerbaijan, Bangladesh, Benin, Bolivia, Cameroon, Canada, Cape Verde, the Central African Republic, Chile, China, the Congo, Costa Rica, Côte d'Ivoire, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Kenya, Japan, Kazakhstan, Lesotho, Liechtenstein, Madagascar, Mauritania, Morocco, Namibia, Nigeria, Norway, Pakistan, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Serbia, South Africa, Sri Lanka, Switzerland, Thailand, Timor-Leste, Ukraine, Uzbekistan, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe, said that it had been drafted by Belgium and Slovenia. Submitted every two years, it addressed important issues for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and for the functioning of the associated Committee.

8. Three revisions had been made to the original text: in paragraph 2 the words "early warning measures and urgent procedures" and "on issues such as the prevention of genocide" had been deleted, thereby restoring the language of General Assembly resolution 59/176. The words "one hundred and seventy-two" at the end of paragraph 18 had been replaced by "one hundred and seventy-three"; and the phrase "under the item on the elimination of racism and racial discrimination" had been added at the end of paragraph 24. The sponsors hoped that, as in previous years, the draft resolution would be adopted without a vote.

9. *Draft resolution A/C.3/61/L.49, as orally revised, was adopted.*

10. **Ms. Hughes** (United States of America), referring to the eighth preambular paragraph regarding financing for CERD from the regular budget, reaffirmed her delegation's position that treaty-body expenses should be funded exclusively by States parties, as originally provided in the Convention. Also, paragraph 21 urged all States to ratify or accede to the Convention, as a matter of urgency. The United States, an active party to the Convention, strongly condemned racial discrimination and supported its goals. However, in order to preserve the sovereignty of States, it was

opposed to language that did more than ask States to consider becoming parties to a treaty.

Agenda item 67: Promotion and protection of human rights (continued)

(a) Implementation of human rights instruments (continued) (A/C.3/61/L.15)

Draft resolution A/C.3/62/L.15: Torture and other cruel, inhuman or degrading treatment or punishment

11. **Mr. Khane** (Secretary of the Committee), speaking with regard to the financial implications of the draft resolution and referring to paragraph 17 thereof, said that, according to the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session (A/61/530), the entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment would require \$2,373,300, net of staff assessment, for the establishment of the relevant subcommittee under article 2, paragraph 1, of the Optional Protocol and for its secretariat. Although provisions already existed in section 2 (General Assembly and Economic and Social Council affairs and management) in respect of conference-servicing costs, additional provisions totalling \$830,900 (section 23, Human rights, \$792,700; and section 28E, Administration Geneva, \$38,200) were required for the biennium 2006-2007 for the subcommittee's activities. It was estimated that those amounts could be accommodated within the 2006-2007 programme budget.

12. **Mr. Rehfeld** (Denmark), speaking on behalf of the sponsors, said it was regrettable that Member States often highlighted their differences rather than celebrating the many issues on which they stood united. In seeking dialogue and cooperation, it was important not to lose sight of the fact that the United Nations was built on fundamental norms and principles to which all Member States subscribed.

13. The absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment was one such principle, and a value on which the international community based its common belief in human dignity. The United Nations therefore had a special responsibility to speak out against the horrors of continuing torture and mistreatment around the world.

14. Drawing attention to paragraph 22 of the draft resolution, he said that the words "in accordance with the standard terms of reference" should be deleted in order to bring that paragraph into line with the language of draft resolution A/C.3/60/L.25/Rev.1.

15. After pointing out that India had been included in the list of original sponsors of the draft resolution as the result of a technical error he announced that Albania, Andorra, Argentina, Australia, Bangladesh, Belarus, Burkina Faso, the Democratic Republic of the Congo, El Salvador, Ghana, Honduras, Israel, Kenya, Micronesia (Federated States of), Peru, Serbia and the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution.

16. **The Chairman** announced that Angola, Burundi, the Central African Republic, Côte d'Ivoire, the Dominican Republic, Madagascar, Mauritania, Moldova, Mongolia, Timor-Leste and Ukraine had also become sponsors of the draft resolution.

17. *Draft resolution A/C.3/61/L.15, as orally revised, was adopted.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/61/L.28)

Draft resolution A/C.3/61/L.28: Combating defamation of religions

18. **Ms. Ajalova** (Azerbaijan) said that the sixteenth preambular paragraph had been revised to read: "Deeply alarmed at the rising trend towards discrimination based on religion and faith, including in some national policies and laws that stigmatize groups of people belonging to certain religions and faiths under a variety of pretexts relating to security and illegal immigration, and noting that the increased intellectual and media discourse is among the factors exacerbating such discrimination,". Paragraph 9 had also been revised and should read: "Emphasizes that everyone has the right to freedom of expression, which should be exercised with responsibilities and may therefore be subject to limitations as provided by law and necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and respect for religion and belief". The draft resolution was timely, and the sponsors hoped that it would be adopted with wide support.

19. **The Chairman** announced that Belarus and Venezuela (Bolivarian Republic of) had also become sponsors of the draft resolution.

20. **Ms. Hughes** (United States of America), speaking in explanation of vote before the voting, said that the United States had been founded on the principle of freedom of religion. A State must not only recognize, but also protect, the right of each of its citizens to choose a religion, to change religions and to worship freely. That meant that a State must not discriminate against individuals who chose a particular religion or chose to practise no religion at all and must have a legal framework to allow individuals the freedom of worship without fear of persecution.

21. Her delegation agreed with many of the general tenets contained in the draft resolution and deplored the denigration of religion. The draft resolution was incomplete, however, as it failed to address the situation of all religions and instead emphasized only one. More inclusive language would have furthered the objective of promoting religious freedom. Furthermore, the draft resolution called for excessive restrictions on freedom of expression which went well beyond the language found in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

22. The draft resolution defined defamation of religion as expressions which negatively projected Islam and did not take into consideration basic rights which were held dear by many, including the freedom to express negative opinions about a specific religion or all religions in general. Such criticism could not automatically be characterized as defamatory or as incitement to hatred. Freedom of expression and other basic political and civil rights, including freedom of religion, must be protected. As the draft resolution mentioned none of those rights, her delegation would vote against it.

23. **Ms. Pohjankukka** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Liechtenstein, Moldova and Ukraine, said that tolerance and full respect for freedom of religion and belief were key in addressing sensitive issues and finding durable solutions to tensions arising from

matters related to religion or belief. In that regard, the European Union's dialogue with the main sponsors of the draft resolution had clarified the differences in approaches to combating defamation of religions, and her delegation hoped to build on that interaction in establishing a platform for constructive and genuine dialogue on related human rights issues within and outside the framework of the United Nations.

24. It was regrettable that fundamental difficulties persisted regarding the general approach, conceptual framework and terminology of the draft resolution, as reflected by the fact that the general thrust of the text remained unchanged. Moreover, in 2006, further controversial elements had been introduced. While that was an unfortunate development, her delegation appreciated that there had been some — albeit limited — discussion of the text and a slight accommodation of its concerns.

25. A broader, more balanced and firmly rights-based text would have been a more appropriate way of addressing the issues underlying the draft resolution. The focus of the Third Committee should be on human rights, including the use of human-rights concepts and the application of a rights-based approach to the issues considered. The European Union did not regard the concept of defamation of religions as valid in the context of discourse on human rights. International human rights law primarily protected individuals in the exercise of their freedom of religion or belief rather than religions themselves. Members of religions or communities of belief should not be viewed as mere particles of homogeneous and monolithic entities. Moreover, discrimination based on religion or belief, which constituted a serious violation of human rights, must be addressed comprehensively; it was vital to recognize that such discrimination was not confined to any one religion or belief, or to any one part of the world. Any action taken to promote tolerance and eliminate discrimination based on religion or belief should be based on and should reaffirm the equitable promotion and protection of all human rights, including freedom of religion or belief and freedom of expression.

26. Since the draft resolution, regrettably, was not in line with the fundamental principles guiding the European Union's approach to the issue, the countries concerned would vote against it.

27. **Mr. Bollavaram** (India) said that his delegation, which firmly opposed the defamation or negative stereotyping of any religion, had several specific concerns with the draft resolution. First, it focused excessively on a single religion. Secondly, there was a reference in the draft resolution to non-Muslim countries and Muslim countries. Most countries did not neatly fall into such categories. In fact, an overwhelming majority had communities belonging to a large number of religions, including Islam. Thirdly, defamation and stereotyping were problems which affected all religions. His delegation would therefore abstain in the voting on the draft resolution.

28. **Ms. Stewart** (Canada) said that respect for cultural, linguistic, ethnic and religious diversity was a critical element in Canada's work to promote and protect human rights both at home and abroad. Canada was a strong proponent of the right to freedom of thought, conscience, religion and expression; principles that were insufficiently reflected in the text of the draft resolution. It was troubling that the topic of the draft resolution was the protection of religions themselves, rather than the protection and promotion of the rights of adherents of religions, including persons belonging to religious minorities. Her delegation was also concerned that the text did not address the world's religions in a balanced manner. The draft resolution confused the issues of racism and religious intolerance instead of promoting a greater understanding of the relationship between them, and it did not adequately address the links between diversity and the fight against racism.

29. Her delegation would vote against the draft resolution.

30. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.28, as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Gabon,

Gambia, Ghana, Guatemala, Guinea-Bissau, Guyana, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Morocco, Myanmar, Namibia, Nicaragua, Niger, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Bolivia, Cape Verde, Colombia, Ethiopia, Fiji, Haiti, India, Kenya, Madagascar, Malawi, Mozambique, Nepal, Nigeria, Papua New Guinea, Republic of Korea, Rwanda, Solomon Islands, Swaziland, United Republic of Tanzania.

31. *Draft resolution A/C.3/61/L.28, as orally revised, was adopted by 101 to 53, with 20 abstentions.*

32. **Mr. Toh** (Singapore), said that his delegation had voted in favour of the draft resolution on the understanding that it applied to all religions. Singapore, as a multiracial and multireligious State and in the light of its past experience of racial tensions and

conflict, attached particular importance to ensuring religious, cultural and racial tolerance and promoting diversity. It therefore supported all efforts to combat ethnic, cultural or religious defamation, and condemned attempts to use religious and racial prejudice and stereotyping to target persons of any faith as scapegoats for perceived ills.

33. **Mr. Ballesteró** (Costa Rica) said that his delegation had voted in favour of the draft resolution and welcomed its adoption. The draft resolution applied to all religions. Freedom of expression, like other freedoms and rights, was not absolute. The wording in paragraph 9, which included a reference to national security — a concept with a specific history — could be improved. The limitations to freedom of expression were no excuse to limit that freedom *per se*. His delegation hoped that the Committee could have an open and broad dialogue in future.

(c) Human rights situations and reports of special rapporteurs and representatives (continued)
(A/C.3/61/L.37)

Draft resolution A/C.3/61/L.37: Situation of human rights in the Democratic People's Republic of Korea

34. **Mr. Khane** (Secretary of the Committee), speaking with regard to the financial implications of the draft resolution and referring to paragraph 5 thereof, said that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to the Human Rights Council decision 1/102, within resources approved under section 23, Human rights, of the programme budget for the biennium 2006-2007.

35. By decision 1/102, the Human Rights Council had decided to extend exceptionally for one year the mandates and the mandate holders of all the Commission's special procedures of the Subcommission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVII), as listed in the annex to the decision. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea fell within the purview of that decision.

36. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, endorsed the statement regarding country-specific resolutions

made by the Heads of State or Government of Non-Aligned Countries at the Fourteenth Summit Conference, in which they had opposed the exploitation of human rights for political purposes and condemned selectivity and double standards in the promotion and protection of human rights. His delegation encouraged all States members of the Movement to adhere to those principles when casting their votes on the country-specific draft resolutions.

37. **Ms. Suikkari** (Finland), speaking on behalf of the original sponsors and Albania, Andorra, Bosnia and Herzegovina, Bulgaria, Honduras, Iceland, Monaco, Nicaragua, Palau, Moldova, Serbia, the former Yugoslav Republic of Macedonia and Turkey, said that the European Union had again attempted to initiate a dialogue with the authorities in the Democratic People's Republic of Korea regarding the draft resolution and sincerely regretted that its overtures had been rejected.

38. The draft resolution highlighted the developments welcomed by the Special Rapporteur in his report (A/61/349), in particular the Government's submission of reports to certain treaty bodies. However, as the Special Rapporteur himself observed in his report, there was still a huge gap between formal recognition of human rights and substantive implementation of human rights. The draft resolution therefore drew attention once again to the continued reports of the systematic, widespread and grave violations of human rights perpetuated by the absence of due process and rule of law. It also focused on the Government's continued refusal to recognize the mandate of the Special Rapporteur and its continued failure to engage in any technical cooperation activities with the United Nations High Commissioner for Human Rights and her Office.

39. So long as the Government continued to refuse the offers of advice, assistance and capacity-building from the United Nations system in the field of human rights, the international community had little choice but to continue drawing attention to the deplorable situation with a view to the eventual alleviation of the plight of the people of the Democratic People's Republic of Korea.

40. **Mr. Kim Chang Guk** (Democratic People's Republic of Korea) said that his Government resolutely opposed the draft resolution, which was the product of a political plot by the United States of America and its

satellite countries to undermine the sacrosanct sovereignty of the Democratic People's Republic of Korea and to interfere in his Government's internal affairs. It was characterized by politicization, selectivity and double standards and aimed at isolating and stifling the country under the guise of a unanimous message from the international community.

41. The United States had earmarked tens of millions of dollars for action against his Government every year. Japan, which harboured a crazy, inveterate enmity towards his Government and ambitions to reinstate the country, had enacted ridiculous legislation following the example of the United States. The European Union, for its part, had done the United States bidding by sponsoring and forcibly pushing through the anti-Democratic People's Republic of Korea resolution every year.

42. The main sponsors of the draft resolution were the world's worst human rights offenders, as they had perpetrated wars of aggression and cruelly violated the rights of peoples in a number of countries, century after century. Most recently, they had invaded Iraq, massacred civilians, established secret overseas prison camps, tortured and maltreated detainees and practised extreme discrimination against other races and migrants. Moreover, the invasion of Lebanon and, in particular, the slaughter of civilians by Israel under the active patronage of the United States, constituted war crimes. While remaining silent on such flagrant human rights abuses, the European Union selectively targeted independent countries, including his Government.

43. A draft resolution submitted by such hypocritical and double-faced delegations hardly reflected the will of the international community. His delegation would never accept such politically motivated "resolutions", no matter how many of their kind were adopted. Human rights entailed State sovereignty. His Government would never tolerate any attempt to undermine its sacred socialist system, a system chosen and defended by its people.

44. Country-specific resolutions not only brought about the politicization of United Nations human rights mechanisms, but also confrontation and mistrust among Member States, and thwarted the possibility of dialogue and cooperation between the authorities concerned. Nothing was more pressing than halting that anachronistic practice by the West.

45. **Mr. Shinyo** (Japan), after requesting the representative of the Democratic People's Republic of Korea to use appropriate language when addressing the delegations of other sovereign countries, emphasized the need to maintain a dialogue on human rights. He appealed to all delegations to support the draft resolution to improve the human rights situation, whose objective was not to name and shame but rather to urge the Government to work with the United Nations system to improve the human rights of its people and to take specific steps to engage in technical cooperation activities with the High Commissioner and her Office and to grant full access to the Special Rapporteur, to other United Nations human rights mechanisms and to humanitarian organizations.

46. Furthermore, the abduction issue remained unresolved. His delegation strongly urged the Government to respond honestly to inquiries into that matter, admit that its actions violated human rights, allow the abducted survivors to return to Japan or other countries of origin without delay and, lastly, conduct a thorough investigation and surrender the perpetrators responsible for the abductions.

47. **Ms. Nassau** (Australia) said that consideration of specific serious human rights situations around the world remained a core part of the Committee's work. The international community must continue to address, including through the Committee, egregious human rights abuses wherever they occurred through the use of country-specific resolutions. Her delegation was deeply concerned about reports of continued serious human rights violations in the Democratic People's Republic of Korea, including forcible repatriation of those who crossed the border, restrictions on freedom of movement, expression and political and religious association, and on persons with disabilities who had been reportedly incarcerated and maltreated. Her delegation had consistently urged the Government of the Democratic People's Republic of Korea to engage more fully with the international community in addressing human rights concerns and was reiterating that call through the present draft resolution.

48. **Mr. Saeed** (Sudan) said that his delegation would vote against the draft resolution, because it rejected country-specific resolutions, which were selective, used double standards and had paralysed the work of the Commission on Human Rights in the past, causing it to lose credibility and neutrality and to be replaced by the Human Rights Council. Under the Council,

strengthened dialogue and technical assistance were considered the best means to promote human rights, and it was hoped that the Council would be a platform for addressing human rights with objectivity and impartiality, without selectivity or politicization. No country could claim to have a perfect human rights record. Dialogue, cooperation, objectivity and neutrality must provide a basis for addressing human rights situations.

49. **Mr. Rachkov** (Belarus) said that Belarus consistently opposed country-specific resolutions, which were used for political purposes, inter alia, to exert political pressure on countries that pursued independent internal and external policies. Such resolutions had nothing to do with concern for human rights and were counterproductive; they must therefore be replaced with a different strategic approach based on mutually respectful dialogue and cooperation on human rights issues. The introduction of country-specific resolutions in the Third Committee undermined efforts by the international community to ensure the success of the Human Rights Council and to establish and implement the universal periodic review mechanism. His delegation would therefore vote against draft resolution A/C.3/61/L.37.

50. **Mr. Anshor** (Indonesia) expressed regret that the Committee was once again having to consider country-specific resolutions, since efforts to reform and enhance the human rights machinery, including through the establishment of the Human Rights Council, had included the idea of devising more constructive ways to address given human rights situations. Any endeavour to improve human rights situations wherever they occurred should be based on genuine dialogue, international cooperation and mutual respect. The Democratic People's Republic of Korea should heed the concerns expressed by the international community, including on the issue relating to the abduction of foreigners. The draft resolution under consideration was not likely to help the Committee to achieve the desired results in the Democratic People's Republic of Korea or to improve the ways in which the question of the promotion and protection of human rights was addressed in general. Consequently, his delegation would vote against the draft resolution.

51. **Mr. Amorós Núñez** (Cuba) expressed doubts about the text, which would neither ensure genuine cooperation in human rights nor implement the principles of the Charter of the United Nations. The

text was not inspired by a genuine concern for human rights but rather was a clear exercise in selectivity, double standards and politicization, contradicting the desired spirit of cooperation which the establishment of the Human Rights Council was supposed to foster. Therefore, his delegation would vote against the draft resolution.

52. **Ms. Gendi** (Egypt) said that her delegation would vote against the draft resolution because it was a country-specific resolution and as such politicized human rights matters, was based on double standards and hindered objectivity and capacity-building. Country-specific resolutions tended to be presented without prior consultation and debate within the General Assembly, running counter to the spirit of cooperation. The Human Rights Council was the umbrella organization for addressing those matters and examining the best ways to improve human rights situations. Furthermore, certain countries which submitted draft resolutions to the Committee every year, when in the Human Rights Council voted against draft resolutions dealing with human rights violations in Palestine and other countries. That gave the impression of selectivity, non-objectivity and politicization of human rights. A unified way of addressing human rights situations needed to be found so that all countries would be treated the same way. Therefore, Egypt would vote against the resolution.

53. **Mr. García-Matos** (Bolivarian Republic of Venezuela) reiterated his delegation's opposition to country-specific resolutions in addressing human rights, as they led only to politicization and selectivity and ran counter to the principles of the Charter of the United Nations with respect to sovereignty of States and non-interference in domestic matters. The countries which were lecturing others were themselves violating human rights with great sophistication. For progress to be made, such issues must be addressed through cooperation and frank and open dialogue rather than on a basis of selective condemnation. In that connection, the Non-Aligned Movement had reaffirmed, at its recent summit in Havana, that human rights matters must be dealt with in a global context and with a constructive approach, with objectivity, respect for sovereignty and territorial integrity, and non-selectivity as guiding principles. Therefore, his delegation would vote against the draft resolution.

54. **Ms. Halabi** (Syrian Arab Republic) said that her delegation was convinced that international efforts

could not yield positive results unless they fully respected sovereignty and different cultures, religions and civilizations. Country-specific resolutions like the one under consideration were clearly part of a political agenda rather than aimed at respecting human rights. Her delegation would therefore vote against the resolution.

55. *A recorded vote was taken on draft resolution A/C.3/61/L.37.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Comoros, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Saudi Arabia, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Namibia, Russian Federation, Sudan, Syrian Arab Republic, Tajikistan, Togo, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde,

Central African Republic, Colombia, Congo, Costa Rica, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Guyana, Haiti, India, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Liberia, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mozambique, Nepal, Niger, Nigeria, Pakistan, Qatar, Rwanda, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.

56. *Draft resolution A/C.3/61/L.37 was adopted by 91 votes to 21, with 60 abstentions.*

57. **Mr. Choi Young-jin** (Republic of Korea) said that his delegation had voted in favour of the draft resolution as there was a need to focus on the human rights situation in the Democratic People's Republic of Korea and on cooperation between it and the international community, especially following the country's recent nuclear test. He shared the international community's concern about human rights in the country, but placed priority on taking practical steps to improve them. He hoped that the draft resolution would be a first step in that direction and that the Democratic People's Republic of Korea would agree to a visit from the Special Rapporteur. He called on the international community to continue to seek a human rights dialogue with the Democratic People's Republic of Korea and to provide technical assistance with a view to making real progress to that end. His Government would persist in its efforts to improve the situation, in particular, as regards the right to food, while maintaining its policy of reconciliation and cooperation.

58. **Mr. Cheok** (Singapore) said that his delegation had consistently abstained on country-specific resolutions because they were often driven by political rather than human rights concerns. Its abstention should not, however, be seen as pronouncing a position on the human rights situation in the Democratic People's Republic of Korea. His delegation shared others' concerns about reports on conditions in that country, including those on the dwindling food situation and inadequate protection from winter, and was also deeply concerned about the country's nuclear test. He urged the Democratic People's Republic of Korea to adhere to the 2005 joint statement issued following the fourth round of the six-party talks, and

he welcomed the country's recent decision to return to the talks.

59. **Ms. Abdelhak** (Algeria) said that her delegation had voted against the resolution on the grounds that human rights must be promoted through dialogue and international cooperation, whereas country-specific resolutions maintained a climate of confrontation, which harmed human rights.

60. **Mr. Pham Hai Anh** (Viet Nam) explained that his delegation had voted against the draft resolution in accordance with his country's opposition to country-specific resolutions and its belief that human rights should be promoted without any politicization, double standards or selectivity. His delegation was also concerned about issues such as abduction, which it rejected.

61. **Ms. Zhang Dan** (China) regretted that the Committee had once again had to vote on a draft resolution on the human rights situation in the Democratic People's Republic of Korea. To effectively promote and protect human rights, it was important to strengthen dialogue and cooperation. Her delegation opposed exerting pressure on developing countries through country-specific resolutions and hoped that the Committee would become a forum for dialogue rather than a platform for exchanging accusations.

62. **Mr. Maia** (Brazil) said that the mechanism for universal review of human rights would help to ensure universality and non-selectivity in monitoring, and country-specific resolutions would be necessary only in grave situations.

63. His delegation had voted in favour of the draft resolution. While the Democratic People's Republic of Korea had made some progress in the area of human rights, including through its periodic reports to various treaty bodies, he regretted the allegations of grave human rights abuses and a lack of will to develop technical cooperation with the Office of the United Nations High Commissioner for Human Rights. He encouraged the Democratic People's Republic of Korea to engage in dialogue and international cooperation.

64. **Mr. Ballesterio** (Costa Rica) said that the establishment of the Human Rights Council significantly strengthened consideration of the fundamental issue of human rights. It was of concern that the Committee was adopting country-specific resolutions, without giving the Council an opportunity

to adopt a new approach. Historically, Costa Rica had supported country-specific resolutions. The facts in all the country-specific situations under consideration during the present session were irrefutable and in some cases were cause for alarm. His delegation was particularly concerned about the issue of abduction in the draft resolution under consideration. He appealed to the Democratic People's Republic of Korea to promptly address that and other important human rights issues.

65. The way in which human rights resolutions were considered needed to be changed. The Human Rights Council was the forum in which to deal with human rights violations. For that reason, his delegation had abstained in the vote on draft resolution A/C.3/61/L.37 and would do so in the case of all similar draft resolutions or those submitted as a direct reprisal. The Council must have the necessary freedom to develop its working methods.

66. **Mr. Kim Chang Guk** (Democratic People's Republic of Korea), having thanked those that had supported his delegation's position, said that his delegation would not regard the resolution as an authentic document of the United Nations. In order to contribute effectively to the improvement of human rights situations, the Third Committee must address and bring to an end the invasion and killing of innocent citizens of small and weak nations by the United States of America and other Western countries in the name of democracy and the war on terror. The most urgent human rights situations were the results of such actions. If Japan and the European Union were genuinely concerned about human rights, they should address the issue of the forced mobilization and kidnapping of 8.4 million Koreans and the century-long agonies of the Korean nation.

Agenda item 98: Crime prevention and criminal justice (*continued*) (A/61/96 and 178; A/C.3/61/L.14/Rev.1)

Draft resolution A/C.3/61/L.14/Rev.1: United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

67. **The Chairman** said that the draft resolution had no programme-budget implications.

68. **Mr. Jokinen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey;

the stabilization and association process countries Montenegro and Serbia; and, in addition, the Republic of Moldova and Ukraine, said that the European Union was ready to join a consensus on draft resolution A/C.3/61/L.14/Rev.1 but believed that in future years the draft resolution should revert to being an initiative of the African Group. In that regard, the European Union looked forward to close cooperation with the African Group and other interested delegations at the sixty-second session of the General Assembly.

69. **The Chairman** invited the Committee to adopt the draft resolution.

70. *Draft resolution A/C.3/61/L.14/Rev.1 was adopted.*

71. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime (A/61/178) and of the note by the Secretary-General transmitting the reports of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its first and second sessions (A/61/96).

72. *It was so decided.*

The meeting rose at 12.35 p.m.



General Assembly

Sixty-first session

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Third Committee

Summary record of the 49th meeting

Held at Headquarters, New York, on Monday, 20 November 2006, at 10 a.m.

Chairman: Mr. Faati (Vice-Chairman) (Gambia)

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Agenda item 67: Promotion and protection of human rights (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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In the absence of Mr. Al Bayati (Iraq), Mr. Faati (Gambia), Vice-Chairman, took the Chair.

The meeting was called to order at 10.30 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (continued) (A/C.3/61/L.52)

Draft resolution A/C.3/61/L.52: Office of the United Nations High Commissioner for Refugees

1. **The Chairman** said that the draft resolution had no programme budget implications.

2. **Ms. Schlyter** (Sweden), speaking on behalf of the sponsors, thanked all delegations for their constructive cooperation and flexibility in achieving consensus on the draft resolution, and said that the large number of co-sponsors was an expression of solid support for the work of the Office of the United Nations High Commissioner for Refugees and for the role of the United Nations in humanitarian affairs.

3. She announced that Antigua and Barbuda, China, the Comoros, Montenegro, New Zealand, Peru, Swaziland and Uruguay had joined the sponsors of the draft resolution.

4. **Mr. Khane** (Secretary of the Committee) announced that Botswana, Burkina Faso, Côte d'Ivoire, Guyana, Jordan, Lesotho, Mali, Micronesia (Federated States of), Mozambique, the Niger, Suriname and Tunisia had joined the sponsors of the draft resolution.

5. *Draft resolution A/C.3/61/L.52 was adopted.*

Agenda item 61: Advancement of women (continued) (A/C.3/61/L.60)

Draft resolution A/C.3/61/L.60: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

6. **The Chairman** said that the draft resolution had no programme budget implications.

7. **Ms. Hughes** (United States of America), explaining her delegation's position, said that it was pleased to join the consensus on the draft resolution. Her country endorsed the important commitments and political goals set out in the Beijing Declaration and

Platform for Action on the basis of the understanding, confirmed at the forty-ninth session of the Commission on the Status of Women, that those documents constituted an important policy framework that did not create new international legal rights, including a "right to abortion", or legally binding obligations on States under international law. Her delegation interpreted the phrase "welcomes the contributions of the Committee on the Elimination of Discrimination against Women to promoting the implementation of the Platform for Action" in paragraph 3 as referring to the contributions of that Committee to follow-up to the Beijing Declaration and Platform for Action rather than an endorsement of all its recommendations.

8. *Draft resolution A/C.3/61/L.60 was adopted.*

9. **Mr. Toh** (Singapore), explaining his delegation's position, said that Singapore was pleased to join the consensus on the draft resolution. Referring to paragraph 5, he said that reservations served an important purpose in that they allowed as many countries as possible to accede to international treaties and conventions at the earliest opportunity, and gave every State party a degree of flexibility, as required by its particular circumstances, in complying with its obligations under those instruments.

10. His delegation welcomed the fact that the draft resolution drew a distinction between those reservations that were compatible with the object and purpose of the Convention on the Elimination of All Forms of Discrimination against Women and those that were not. In that regard, he said that Singapore's position on withdrawal of reservations applied to all resolutions that referred to the question of compatibility of reservations.

Agenda item 66: Right of peoples to self-determination (continued) (A/C.3/61/L.50)

Draft resolution A/C.3/61/L.50: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

11. **Mr. Khane** (Secretary of the Committee), referring to financial provisions in relation to the draft resolution in accordance with rule 153 of the rules of procedure of the General Assembly, said that under paragraph 17 of the draft resolution, the General Assembly would request the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group on the use of

mercenaries with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that dealt with countering mercenary-related activities, in order to meet the demands of its current and future activities.

12. He recalled that the Secretary-General, in his report to the sixty-first session of the General Assembly on revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to decision 1/102 of the Human Rights Council, within resources approved for the biennium 2006-2007. Those fell under section 2 (General Assembly and Economic and Social Council affairs and conference management), section 23 (Human rights) and section 28E (Administration, Geneva) of the programme budget for the biennium 2006-2007.

13. He further recalled that, by decision 1/102, the Human Rights Council had decided to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and mandate holders of all special procedures of the Subcommission on the Promotion and Protection of Human Rights, together with the procedure established in accordance with Economic and Social Council resolution 1503 (XLVII) of 27 May 1970, as listed in the annex to the decision. The Working Group was included in that annex.

14. **Mr. Cumberbach Miguén** (Cuba), speaking on behalf of the sponsors, announced that Cambodia, the Comoros, Costa Rica, the Dominican Republic, the Gambia, Kenya, the Libyan Arab Jamahiriya, Peru, Sudan and Venezuela (Bolivarian Republic of) had joined the sponsors of the draft resolution. He thanked the sponsors for their support, and called on all other delegations to support the draft resolution so as to demonstrate the international community's firm condemnation of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.

15. **Mr. Khane** (Secretary of the Committee) said that Liberia and Sri Lanka had joined the sponsors of the draft resolution.

16. **The Chairman** announced that a recorded vote had been requested.

17. **Ms. Hughes** (United States of America), speaking in explanation of vote before the voting, said that her delegation would vote against the draft resolution. While the United States of America deplored the use of mercenaries, it was inappropriate for the Third Committee to spend its valuable time on discussions on that topic, which should take place within the Security Council, since they fall within the context of global conflict.

18. **Mr. Keisalo** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia, and, in addition, Moldova and Ukraine, said that they shared many of the concerns regarding the dangers of mercenary activities, including the negative impact of such activities on the duration and nature of armed conflicts, and strongly condemned the involvement of mercenaries in terrorist activities.

19. However, it could not support the draft resolution, since the Third Committee was not the appropriate forum in which to address the problem of mercenary activity, which should not be approached primarily as a human rights problem or a threat to the right of peoples to self-determination. Moreover, the relationship between terrorism and mercenary activity did not fall within the mandate of the Third Committee. Consideration of the use of mercenaries and the question of elaborating a legal definition of the term "mercenary" fell within the competence of the Sixth Committee.

20. Lastly, the European Union and the other countries referred to were determined to continue to participate actively, in the appropriate forums, in dialogue with interested States on ways to curb the threats posed by mercenary activities.

21. *At the request of the representative of Finland, a recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, Norway, Palau, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Fiji, Liechtenstein, New Zealand, Republic of Korea, Switzerland.

22. *Draft resolution A/C.3/61/L.50 was adopted by 116 votes to 49, with 5 abstentions.*

23. **Ms. Loguzzo** (Argentina) said that, while her delegation had voted in favour of the draft resolution, the reference in the text to the principle of self-determination was not properly contextualized, since it did not refer to the numerous United Nations resolutions on decolonization and non-self-governing territories — including those relating to the question of the Malvinas Islands — which recognized the non-applicability of the principle of self-determination in special and particular colonial situations and in the case of sovereignty disputes. In that regard, it was regrettable that the sponsors had not considered the amendments suggested by her delegation.

24. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the universal realization of the right of peoples to self-determination (A/61/333).

25. *It was so decided.*

26. **Mr. Lee-Smith** (United Kingdom), speaking in exercise of the right of reply with regard to statements made by the delegation of Argentina during action on draft resolutions A/C.3/61/L.46 and L.50, said his country's position regarding the Falkland Islands was well known and had most recently been set out in a letter from its Permanent Representative in a letter to the Secretary-General on 4 October 2006. His country had no doubts regarding its sovereignty over the Falklands, which would continue as long as their inhabitants so wished.

Agenda item 67: Promotion and protection of human rights *(continued)*

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)* (A/C.3/61/L.39)

Draft resolution A/C.3/61/L.39: Situation of human rights in Uzbekistan

27. **Mr. Cumberbach Miguén** (Cuba), speaking as Chairman of the Coordinating Bureau of the Non-Aligned Movement, reaffirmed the agreement reached by the Movement's Heads of State or Government at its recent Summit Conference, to the effect that exploitation of human rights for political purposes, including selective targeting of individual

countries for extraneous considerations, ran counter to the Movement's founding principles and the Charter of the United Nations and should be prohibited. They had also condemned selectivity and double standards in the promotion and protection of human rights. Accordingly, he encouraged all members of the Movement to adhere to those principles when voting on the country-specific draft resolutions before the Committee.

28. **Mr. Khane** (Secretary of the Committee) said that the Secretary-General had informed the General Assembly that budgetary provisions had already been made from the 2006-2007 regular budget for the activities relating to the various human rights mandates listed in the annex to Human Rights Council decision 1/102. In that decision, the Council had extended exceptionally for one year, subject to the Council's review, the mandates and the mandate holders of all special procedures of the Subcommission on the Promotion and Protection of Human Rights, and the procedure established under Economic and Social Council resolution 1503 (XLVIII), as listed in the annex to the decision, which included the independent expert on the situation of human rights in Uzbekistan.

29. **Ms. Hughes** (United States of America), speaking on behalf of the sponsors, which had been joined by Belgium, Bulgaria, Cyprus, Finland, France, Germany, Greece, Iceland, Italy, Latvia, Liechtenstein, Malta, Romania, Spain, Switzerland, and the former Yugoslav Republic of Macedonia, said that, at the European Union Cooperation Council meeting with Uzbekistan on 8 November 2006, agreement had been reached on amendments to the draft resolution to reflect commitments made by Uzbekistan.

30. **Mr. Vohidov** (Uzbekistan), raising a point of order, moved for the adjournment of the debate on the draft resolution. His motion was based on the rules of procedure of the General Assembly, the agreement of the Heads of State and Government of the countries of the Non-Aligned Movement, and the recent decision of the Foreign Ministers of the member States of the Organization of the Islamic Conference opposing the submission of country-specific resolutions on human rights situations, which selectively targeted Islamic and developing countries, as well as a similar decision by the African Union.

31. **The Chairman** said that, under rule 116 of the rules of procedure of the General Assembly, he would

give the floor to two delegations in favour of the motion to adjourn debate and two delegations that opposed it, following which the motion would be immediately put to the vote.

32. **Ms. Adjalova** (Azerbaijan) said her delegation supported the motion proposed by Uzbekistan.

33. **Ms. Zhang Dan** (China), supporting the motion proposed by Uzbekistan, said her delegation regretted the confrontational nature of the draft resolution. Since the adoption of General Assembly resolution 60/174, Uzbekistan had been endeavouring to resolve differences in human rights among parties through dialogue. The Committee's meetings at the current session were attended by a high-level Uzbek delegation, which had engaged in extensive dialogue with all parties and had provided information on its efforts to protect human rights. She hoped that the sponsors would carefully review that material and consider withdrawing the draft resolution, and called on other delegations to support the motion by Uzbekistan.

34. **Mr. Keisalo** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Iceland, Liechtenstein, Moldova, Norway and Ukraine, said they opposed the motion to adjourn debate, which was clearly intended to prevent the Committee from dealing with country-specific resolutions. For any country, large or small, to be above consideration by international human rights forums would run counter to the universality and interdependence of human rights.

35. The Third Committee must address the human rights situation in Uzbekistan, given the serious and continuing violations there. To discontinue the discussion would be to fail the very people that it was trying to protect. The motion, if successful, would prevent consideration of issues covered in United Nations resolutions, which was contrary to the spirit of dialogue to which the European Union was attached. For the General Assembly to remain silent would be to undermine its own credibility. The Third Committee was the only human rights body with universal membership, and, as such, should deal with the issue. The European Union, therefore, strongly urged

delegations to reject the motion under consideration as a matter of principle.

36. **Mr. Normandin** (Canada) said that the motion to adjourn debate was in direct opposition to the aspirations of the General Assembly in the field of human rights. If approved, it would marginalize the General Assembly, undermine its credibility and negate its jurisdiction and responsibility. Discussion of human rights in the United Nations should cover not only norms, but also the enjoyment of such rights. When victims of human rights violations had no recourse in their own countries, they had perforce to count on the United Nations, which should not fail them by abandoning its role. Some thought that the appropriate forum for such matters was the Human Rights Council, but the General Assembly and the Third Committee still had their role in such issues. The merits of all human rights draft resolutions should be discussed, and each delegation could vote as it saw fit. All delegations should uphold the important role of the General Assembly and the Third Committee in that regard by rejecting the motion.

37. *A recorded vote was taken on the motion for the adjournment of debate concerning draft resolution A/C.3/61/L.39.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Central African Republic, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Fiji, Gabon, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Benin, Bosnia and Herzegovina, Brazil, Cape Verde, Colombia, Djibouti, Ethiopia, Ghana, Guyana, Haiti, Iraq, Jamaica, Kenya, Malawi, Mali, Mozambique, Nepal, Nigeria, Rwanda, Somalia, Swaziland, Turkmenistan, Uganda, United Republic of Tanzania.

38. *The motion was approved by 74 votes in favour to 69 against, with 24 abstentions.*

The meeting rose at 11.20 p.m.



General Assembly

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Third Committee

Summary record of the 50th meeting

Held at Headquarters, New York, on Tuesday, 21 November 2006, at 10 a.m.

Chairman: Mr. Al Bayati (Iraq)
later: Mr. Faati (Vice-Chairman) (Gambia)
later: Mr. Al Bayati (Chairman) (Iraq)

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(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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06-62483 (E)



The meeting was called to order at 10.35 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (continued) (A/C.3/61/L.55)

Draft resolution A/C.3/61/L.55: Assistance to refugees, returnees and displaced persons in Africa

1. **The Chairman** said that the draft resolution had no programme budget implications.
2. **Mr. Thomas** (Namibia), speaking on behalf of the sponsors which were members of the African Group, said that the draft was important for Africa and, for that reason, asked for action to be taken.
3. **Mr. Khane** (Secretary of the Committee) announced that Austria, Bangladesh, Barbados, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Dominica, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Latvia, Lithuania, Mauritania, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia and the United Kingdom had also joined the sponsors.
4. *Draft resolution A/C.3/61/L.55 was adopted.*

Agenda item 65: Elimination of racism and racial discrimination (continued)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (continued) (A/C.3/61/L.53/Rev.1)

Draft resolution A/C.3/61/L.53/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

5. **Mr. Khane** (Secretary of the Committee), presenting a statement of programme budget implications and referring to paragraph 37 of the draft resolution, said that, in the report of the Secretary-General to the sixty-first session of the General Assembly on the "Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006" (A/61/530), related to Human Rights Council resolution 1/5, the Secretary-General had informed the General Assembly that resources for

conference-servicing costs relating to the extension of the mandate of the Working Group already existed in the programme budget for the biennium 2006-2007 under section 2, General Assembly and Economic and Social Council affairs and conference management, \$372,700, and under section 28E, Administration, Geneva, \$6,600. The additional requirements of \$200,500 for travel and daily subsistence allowance for five highly qualified experts called for in Human Rights Council resolution 1/5 and for general temporary assistance for six months for support to those experts would be accommodated within existing resources, under section 23, Human rights. Hence, no additional appropriations would be required.

6. Regarding paragraph 45 of the draft resolution, the Secretary-General had informed the General Assembly that budgetary provisions had already been made for the activities relating to the various human-rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved for the biennium 2006-2007, falling under section 23, Human rights, of the programme budget for that biennium.

7. Under that decision, the Human Rights Council had decided to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and the mandate-holders of all the Commission's special procedures of the Subcommission on the Promotion and Protection of Human Rights and the procedure established in accordance with Economic and Social Council resolution 1503 (XLVII) of 27 May 1970, as listed in the annex to the decision. The mandate of the Special Rapporteur referred to in paragraph 45 of the draft resolution was included in the annex.

8. **Mr. Keisalo** (Finland), speaking on behalf of the European Union, asked that action on the draft resolution should be postponed, as negotiations were still under way.

9. **Ms. Hoosen** (South Africa), speaking on behalf of the Group of 77, said that in a spirit of cooperation and to show flexibility, the Group could agree to a postponement until the following morning.

Agenda item 67: Promotion and protection of human rights (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/61/L.21/Rev.1, L.22, L.29/Rev.1 and L.32/Rev.1)

Draft resolution A/C.3/61/L.21/Rev.1: Human rights and extreme poverty

10. **Mr. Khane** (Secretary of the Committee), referring to paragraph 10 of the draft resolution, said that, in the report of the Secretary-General to the sixty-first session of the General Assembly on the "Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006" (A/61/530), the Secretary-General had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human-rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved for the biennium 2006-2007. Those fell under section 23, Human rights, of the programme budget for that biennium.

11. Under that decision, the Human Rights Council had decided to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and the mandate-holders of all the Commission's special procedures of the Subcommission on the Promotion and Protection of Human Rights and the procedure established in accordance with Economic and Social Council resolution 1503 (XLVII) of 27 May 1970, as listed in the annex to the decision. The mandate of the Independent Expert on the question of human rights and extreme poverty was included in the annex.

12. **Ms. Tincopa** (Peru) announced that China, Cuba, El Salvador, Germany, Hungary, Indonesia, Japan, Lithuania, Malta, the Netherlands, the Philippines, the Republic of Korea and Venezuela (Bolivarian Republic of) had joined the sponsors.

13. **Mr. Khane** (Secretary of the Committee) announced that Afghanistan, Algeria, Australia, Bangladesh, Bolivia, Botswana, Bulgaria, Burundi, Cambodia, Cameroon, Canada, the Comoros, Costa Rica, Côte d'Ivoire, Cyprus, the Czech Republic, the

Democratic Republic of the Congo, Denmark, Dominica, the Dominican Republic, Guyana, Haiti, Iceland, Italy, Jamaica, Kenya, Latvia, Lebanon, Lesotho, Liberia, Mongolia, Mozambique, Myanmar, Nicaragua, the Niger, Norway, Pakistan, Rwanda, San Marino, Senegal, Sierra Leone, Spain, Sri Lanka, the Sudan, Sweden, Thailand, Timor-Leste, Uganda, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe had also joined the sponsors.

14. *Draft resolution A/C.3/61/L.21/Rev.1 was adopted.*

15. **Ms. Hughes** (United States of America), speaking in explanation of position, said that her delegation had joined the consensus on the draft resolution, but had concerns that it did not adequately reflect the fact that respect for human rights was in and of itself an important tool for fighting extreme poverty. While development was a central commitment of the United States' foreign policy, good governance was an essential condition for development and addressing poverty, as were rooting out corruption, respecting human rights and adhering to the rule of law. International support and sound national economic policies were the best way to address extreme poverty to ensure that basic services could be provided and basic rights protected in the developing world.

Draft resolution A/C.3/61/L.22: Subregional Centre for Human Rights and Democracy in Central Africa

16. **Mr. Khane** (Secretary of the Committee) said that Belarus, Burkina Faso, Ghana, India, Madagascar and South Africa had joined the sponsors.

17. He said that, under the terms of paragraph 3 of the draft resolution, the General Assembly would request the Secretary-General and the United Nations High Commissioner for Human Rights to provide additional funds and human resources to enable the Subregional Centre for Human Rights and Democracy in Central Africa to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy in that subregion.

18. Provisions for the activities had already been included in the programme budget for the biennium 2006-2007. The General Assembly had appropriated \$83,352,600 under section 23, Human rights, for the biennium 2006-2007, of which \$1,327,600 was for the Subregional Centre for Human Rights and Democracy

in Central Africa. The Secretary-General would review the requirements for the biennium 2008-2009 in the context of his proposed budget for 2008-2009. The adoption of the draft resolution would thus not entail any additional appropriation.

19. He drew attention to section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and also reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

20. **Mr. Nyamulinda** (Rwanda), speaking on behalf of the sponsors and also as representative of the president of the United Nations Standing Advisory Committee on Security Questions in Central Africa, said that the draft resolution was ready for action to be taken, and that Equatorial Guinea had also joined the sponsors. He said that paragraph 3 should be revised to read:

"Requests the Secretary-General and the United Nations High Commissioner for Human Rights to provide additional funds and human resources within existing resources of the Office of the High Commissioner for Human Rights to enable the Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy and the rule of law in the Central African subregion;"

21. He thanked Member States, the Secretary-General and the United Nations High Commissioner for Human Rights for their ongoing support to the Centre's activities, which he hoped would continue so that it could carry out its important mission. He hoped that the draft resolution would be adopted by consensus.

22. **Mr. Khane** (Secretary of the Committee) announced that Botswana, the Comoros, Costa Rica, Croatia, Djibouti, Egypt, Eritrea, Lesotho, Liberia, Sierra Leone, Spain, Sri Lanka, Tunisia and Uganda had joined the sponsors.

23. **Ms. Escobar** (Bolivarian Republic of Venezuela) said that her delegation appreciated the activities of the Centre and welcomed the efforts made in the promotion and protection of human rights in the Africa region. However, she wished to point out that the 2005

World Summit Outcome document referred to in the seventh preambular paragraph had no mandate for her Government.

24. **Ms. Carvalho** (Portugal) said that her delegation wished to join the sponsors.

25. **Mr. Amorós Núñez** (Cuba), speaking in explanation of position, said that the Centre carried out important work and merited continued support. Nevertheless, the draft resolution contained elements, for example in the preamble, which were limited to given countries in the African region. Therefore, adoption of the draft resolution would not mean that those elements had the full support of the United Nations membership.

26. **Mr. Solórzano** (Nicaragua) said that his delegation wished to join the sponsors.

27. *Draft resolution A/C.3/61/L.22, as orally revised, was adopted.*

Draft resolution A/C.3/61/L.29/Rev.1: Protection of migrants

28. **Mr. Khane** (Secretary of the Committee) said that, under paragraph 5 of the draft resolution, the General Assembly would take note with appreciation of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its third and fourth sessions.

29. At its 29th meeting, that Committee had decided to request the Secretary-General to arrange two one-week sessions for it in 2007, to replace one three-week session. Based on the pattern of meetings of that Committee, the calendar of conferences and meetings of the United Nations for 2006 and 2007 provided for two one-week sessions of the Committee in 2007.

30. The full costs of conference-servicing of the Committee's meetings were estimated at \$640,800 under section 2, General Assembly and Economic and Social Council affairs and conference management, and \$6,100 under section 28E, Administration, Geneva. Provisions for the meetings had already been included in the programme budget for the biennium 2006-2007 under those sections. For the travel of Committee members, requirements estimated at \$126,000 exceeded the resources available by an estimated \$31,400. It was anticipated that that additional requirement for travel would be met within the overall resources provided under section 23, Human rights, for

the biennium 2006-2007. Hence, the adoption of the draft resolution would not entail any additional appropriation.

31. **Ms. Olivera** (Mexico), speaking on behalf of the sponsors, announced that Algeria, Armenia, Colombia, Guyana and Indonesia had joined the sponsors. She hoped that the draft resolution could be adopted without a vote, thereby showing unanimous support for the protection of migrants wherever they were and regardless of their migratory situation.

32. **Mr. Khane** (Secretary of the Committee) announced that Afghanistan, Cambodia, Cameroon, Eritrea, Rwanda, Sri Lanka, the Sudan and Togo had joined the sponsors.

33. *Draft resolution A/C.3/61/L.29/Rev.1 was adopted.*

34. **Ms. Hughes** (United States of America), explaining her delegation's position, said that her country had joined the consensus on the draft resolution. In 2005 alone, the United States had granted legal permanent residence to more than one million immigrants. It welcomed legal immigrants and properly documented temporary visitors, including workers and students, and was committed to protecting the human rights of migrants within its borders.

35. More than one million United States citizens were living and working abroad, contributing vitally to the global economy. The United States urged its citizens to observe all local laws when moving to or working in another country, and expected the same of foreign nationals residing on its territory. It promoted legal, orderly and humane migration, since effective migration management, including the protection of the human rights of migrants, was critical in maximizing the benefits of migration and addressing its challenges. All countries, including those of origin, transit and destination, must be committed to those objectives.

Draft resolution A/C.3/61/L.32/Rev.1: Regional arrangements for the promotion and protection of human rights

36. **Mr. Khane** (Secretary of the Committee) said that, under paragraph 10 of the draft resolution, the General Assembly would request the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make

available adequate resources from within the regular budget for technical cooperation to the activities of the Office of the High Commissioner for Human Rights to promote regional arrangements.

37. Provisions for the activities of the Office of the High Commissioner from within the regular budget for technical cooperation had already been included in the programme budget for the biennium 2006-2007. In that regard, he recalled that the General Assembly had appropriated the amount of \$45,622,000 under section 22 (Regular programme of technical cooperation) for the 2006-2007 biennium, of which \$2,909,100 was for advisory services and other support for human-rights field activities. Adoption of the draft resolution would not, therefore, entail any additional appropriation.

38. Regarding paragraph 9, he drew attention to the provisions of section VI of General Assembly resolution 45/248 B, in which the General Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

39. **Mr. Faati** (Gambia), *Vice-Chairman*, took the Chair.

40. **Mr. Nihon** (Belgium), speaking on behalf of the sponsors, said that Chile, Gambia, Liechtenstein, Mongolia, the Philippines, Rwanda and Thailand had joined the sponsors of the draft resolution. He thanked the sponsors for their support, spirit of consensus and proposals, which had been taken into account in the revised text, and expressed the hope that the draft resolution would be adopted without a vote.

41. **Mr. Khane** (Secretary of the Committee) announced that Andorra, Burkina Faso, Cape Verde, Côte d'Ivoire, Ghana, Kenya, Lesotho, Mauritania, Sierra Leone, South Africa, Tuvalu and Uganda had joined the sponsors.

42. **Mr. Amorós Núñez** (Cuba), explaining his delegation's position, thanked the delegation of Belgium for its spirit of cooperation and for taking into account the concerns of the Cuban delegation during negotiations on the draft resolution. It was the understanding of his delegation that paragraph 11 did not mean in any way that the Third Committee was endorsing or supporting the plan of the High

Commissioner for Human Rights to strengthen United Nations human-rights-related actions at the country level, nor did it prejudice the decision that Member States would ultimately have to take regarding proposals formulated by the High Commissioner in relation to that plan.

43. *Draft resolution A/C.3/61/L.32/Rev.1 was adopted.*

(c) Human rights situations and reports of special rapporteurs and representatives (continued)
(A/C.3/61/L.41)

Draft resolution A/C.3/61/L.41: Situation of human rights in the Islamic Republic of Iran

44. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the Non-Aligned Movement and referring to country-specific resolutions in the area of human rights, said that his delegation reaffirmed the need to prevent the exploitation of human-rights issues for political purposes, including the selective targeting of certain countries, and condemned selectivity and double standards in the promotion and protection of human rights. In that regard, he urged all States members of the Non-Aligned Movement to abide by the Movement's Founding Principles and the principles of the Charter of the United Nations when voting on country-specific draft resolutions before the Third Committee.

45. *Mr. Al Bayati (Iraq) resumed the Chair.*

46. **Ms. Hastaie** (Islamic Republic of Iran) requested that, in accordance with rule 116 of the rules of procedure, the debate on the draft resolution should be adjourned in view of the broad opposition among delegations to country-specific resolutions.

47. **The Chairman** invited two representatives to speak in favour of, and two against, the motion to adjourn the debate, before putting it to the vote, in accordance with rule 116.

48. **Mr. Amil** (Pakistan), speaking in support of the motion, said that one of the lessons learned from previous meetings of the Third Committee at which country-specific resolutions had been debated was that such resolutions, far from encouraging greater promotion of human rights in the countries in question, served to estrange and alienate Governments through the confrontational "name and shame" approach. Furthermore, they often overlooked and ignored

national efforts to protect and promote human rights, instead creating artificial barriers to equitable and constructive dialogue among Member States and relevant international human-rights mechanisms. The international human-rights agenda should be addressed in a fair and balanced manner, which could be achieved only through dialogue and cooperation, not through exclusion and confrontation. Pakistan had consistently opposed such resolutions, and would therefore vote in favour of the no-action motion, and strongly urged all other delegations to do likewise so as to save the Third Committee from indulging in the undesirable practice of naming and shaming developing countries.

49. **Mr. Anshor** (Indonesia) said that his country consistently supported the reform of the United Nations human-rights system, efforts to enhance the credibility of its machinery in addressing human-rights situations, and the international endeavour to improve the human-rights situation worldwide. However, it was imperative to eliminate the practices of politicization and selectivity associated with country-specific resolutions, since they had severely undermined the effectiveness of the defunct Commission on Human Rights. Therefore, in addressing country-specific situations, it was crucial to observe faithfully the relevant principles contained in General Assembly resolution 60/251 establishing the Human Rights Council.

50. Indonesia supported any effort to develop new modalities of addressing human-rights situations that enjoyed broad support from Member States. Those modalities should emphasize a constructive approach and give due consideration to the capacity-building needs of Member States, and, in order to increase their effectiveness, a coherent approach among relevant United Nations bodies in addressing the issue should also be formulated.

51. The tabling of draft resolutions such as A/C.3/61/L.41 contributed nothing to efforts to enhance the credibility of the United Nations human-rights machinery in addressing country-specific situations or in enhancing human-rights promotion and protection in general. His delegation would therefore vote in favour of the no-action motion, and appealed to all delegations to do likewise.

52. **Mr. McNee** (Canada), speaking against the motion, said that one of the fundamental responsibilities of the Third Committee was to address

human-rights concerns wherever they might arise, and that no country should be beyond scrutiny. While no country could claim to have a perfect human-rights record, cases in which Governments had condoned and often been the instrument of human-rights violations particularly merited attention. It was important that the international community should be able to speak out against such cases. When a country failed to demonstrate the will to protect its own citizens, cooperate with the international community or acknowledge the need to redress a serious situation, the international community had no choice but to express its views.

53. The draft resolution was not frivolous; the matter had been brought forward once again in 2006 because it was essential that the General Assembly should send out a sustained and consistent message that the human-rights situation in Iran had not been forgotten and that there were expectations of real change for the better. A procedural motion should not be used to thwart the Third Committee in its efforts to engage in debate or express concerns on the human-rights situation in any country. A no-action motion negated the jurisdiction and responsibility of the General Assembly, undermined its credibility and seriously weakened its relevance.

54. As a matter of principle, therefore, Canada would not bring forward a no-action motion on the draft resolution proposed by Iran on the situation of indigenous people and immigrants in Canada, despite its belief that that resolution did not stand up to scrutiny on its merits.

55. A successful no-action motion on draft resolution A/C.3/61/L.41 would convey a negative message to the world that the General Assembly refused to assume its responsibility to examine a serious human-rights situation. If the United Nations was to be a credible voice on human rights, it must consider serious human-rights situations on their merits. His delegation therefore strongly urged delegations to vote against the motion.

56. **Ms. Nassau** (Australia) said it was deeply regrettable that a no-action motion had been put forward. Australia was intent on ensuring that United Nations bodies continued to be forums for addressing serious human-rights violations. Regardless of the content of any resolution, therefore, all texts submitted to the Third Committee should be reviewed, and action

taken, on their merits. Delegations should be able to register their views on the content of any resolution, and procedural motions should not be used to prevent them from expressing those views. Her delegation therefore opposed all no-action motions on principle, and called on other delegations to join it in opposing the motion.

57. *A recorded vote was taken on the motion for adjournment of debate.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Myanmar, Namibia, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste,

Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Belize, Bolivia, Bosnia and Herzegovina, Brazil, Cape Verde, Colombia, Ethiopia, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Madagascar, Malawi, Mauritius, Mozambique, Nepal, Nigeria, Papua New Guinea, Rwanda, Turkmenistan, Uganda, United Republic of Tanzania.

58. *The motion was rejected by 77 votes to 75, with 24 abstentions.*

59. **Mr. Khane** (Secretary of the Committee) read out a number of technical corrections made to the text of the draft resolution at the request of the main sponsor, since the sponsors had not agreed with certain editorial changes introduced by the Secretariat.

60. Regarding the programme budget implications of the draft resolution, the Secretary-General had informed the General Assembly (A/61/530) that, under sections 2, 23 and 28E, provisions had already been made from the 2006-2007 programme budget for activities relating to the various human-rights mandates listed in the annex to Human Rights Council decision 1/102. In that decision, the Human Rights Council had extended exceptionally for one year, subject to the Council's review, the mandates and mandate-holders of all Commission on Human Rights special procedures of the Subcommission on the Promotion and Protection of Human Rights, and the procedure established under Economic and Social Council resolution 1503 (XLVII), as listed in the annex to the decision, which included the mandate-holders.

61. **Mr. McNee** (Canada), introducing draft resolution A/C.3/61/L.41 on behalf of its 43 sponsors, said the human-rights situation in the Islamic Republic of Iran was a cause for serious concern. Every effort at accuracy and balance had been made in the draft resolution, which recognized some sporadic and meagre progress, but also underscored key concerns and called upon the Government to accelerate progress on improved human rights for all Iranians.

62. All avenues must be explored in order to encourage positive change, and the draft resolution would be instrumental in calling the world's attention to the country's human-rights situation. The sponsors looked forward to the day when Iran's commitment to

human rights and its willingness to abide by its international obligations made such a resolution no longer necessary. Meanwhile, he strongly urged all delegations to support it.

63. **Mr. Maurer** (Switzerland), speaking also on behalf of Liechtenstein in explanation of their position, expressed their strong preference for country-specific resolutions to be adopted after consultation with the country concerned, with the broadest possible consensus and focusing on technical assistance and capacity-building. Since consensus was not always possible, they supported draft resolutions that addressed grave human-rights violations in countries where national laws and institutions did not provide the necessary protection, where the Government concerned did not cooperate with the international community or satisfactorily implement the recommendations of the United Nations human-rights mechanisms, and where human-rights protection structures and counter-abuse mechanisms were urgently needed.

64. In the context of armed conflict, draft resolutions should deal accurately and in a balanced manner, on the basis of the international humanitarian law, with violations that occurred. Also, the two Delegations opposed double standards in both thematic and country-specific draft resolutions, but set great store by international human-rights law. A differentiated appreciation of the human-rights situation in countries under consideration was not a double standard, but merely applied a single standard to different situations. Every country could help fight double standards by increasing its own transparency.

65. Having consistently advocated the creation of an effective universal periodic review in the Human Rights Council, the two delegations welcomed the possibility of convening special sessions of the Council to deal with serious human-rights situations.

66. In the light of the foregoing, Switzerland and Liechtenstein would vote in favour of the draft resolution.

67. **Ms. Ajdalova** (Azerbaijan), speaking on behalf of the Organization of the Islamic Conference (OIC), reiterated its strong opposition to country-specific draft resolutions. OIC firmly believed in a constructive and dialogue-based approach to human-rights situations. Such resolutions — far from contributing to the promotion and protection of human rights — exploited them for political purposes and further divided

Member States. The Iranian Government had demonstrated its readiness to engage in constructive dialogue with all countries and to cooperate with the Office of the High Commissioner for Human Rights. Adoption of the draft resolution would discourage further national efforts, escalate mistrust and undermine the credibility of the international community's human-rights efforts.

68. **Mr. Berruga** (Mexico) recalled that the reasons for the decision for substantive reform of the international human-rights system included the need for the consolidation of human rights as one of the pillars of the United Nations, for better balance in the consideration of human-rights situations and for the elimination of the practices that had bedevilled the erstwhile Commission on Human Rights. It was disturbing that the traditional mechanisms still persisted, even as the new Human Rights Council was beginning its consolidation work.

69. Although the major innovation of the universal periodic review of each Member State's compliance by the Human Rights Council on the basis of objective and reliable information did not necessarily exclude the adoption of country-specific resolutions, it was a sad truth that such resolutions did not contribute to effective cooperation in human rights, but sometimes represented clear reprisals.

70. At the same time, without effective coordination between the work of the Third Committee and that of the Human Rights Council, the efforts of both bodies might become diluted, to the detriment of human rights and of the objectives set at the 2005 World Summit.

71. Mexico would therefore abstain in the vote on the draft resolution and all others to be submitted under agenda item 67 (c).

72. **Mr. Soler Torrijos** (Panama) said the subject was a matter for the Human Rights Council, which was in the process of establishing the mechanism for its universal periodic review on a case-by-case basis, there being some cases of dubious merits. The time had therefore come for the Committee to cease consideration of country-specific draft resolutions, which only led to politicization.

73. **The Chairman** announced that a recorded vote had been requested.

Explanation of vote before the voting

74. **Mr. Manis** (Sudan) said it was very disquieting that a mere year after world leaders had decided to establish the new Human Rights Council, based on non-politicization and the elimination of double standards, the international community was back where it had started. Country-specific draft resolutions were merely a means of settling scores and protecting the interests of some countries, rather than of protecting and promoting human rights.

75. Ironically, although the authors of the draft resolution were themselves guilty of human-rights violations, they had decided to target the Islamic Republic of Iran, despite the cooperation and openness it had displayed through its open invitation to human-rights mechanisms to visit the country and see the situation for themselves. Defamation was the sole purpose of such draft resolutions, which targeted developing and Muslim countries. His delegation would therefore vote against the draft resolution.

76. **Mr. Rachkov** (Belarus) said that his delegation had repeatedly expressed its opposition to politicized country-specific resolutions. The draft resolution was selective and biased. It did not reflect a concern for human rights; rather it was intended to affect the domestic and foreign policies of the Islamic Republic of Iran, which acted independently in the international arena. A sovereign State with a centuries-long history, Iran was concerned with the well-being and development of its people. Politically motivated external pressure from Governments with spurious motives was counterproductive. Therefore, his delegation would vote against the draft resolution.

77. **Ms. Gendi** (Egypt) reiterated Egypt's unwavering opposition to such country-specific resolutions, as they increased selectivity on human-rights issues. They did not allow the Committee to address such issues objectively and sincerely and in the spirit of international cooperation. The targeted nature of the resolutions undermined efforts to promote and protect human rights. Human-rights issues should be addressed through the universal periodic review. Furthermore, the same delegations which submitted such draft resolutions to the Committee every year routinely voted against resolutions on human-rights violations in Palestine and Lebanon, which gave rise to doubts about their genuine will to protect human-rights. Human-rights issues must be considered on an equal footing

with respect to all countries, large and small. Her delegation would therefore vote against the draft resolution.

78. **Mr. Amorós Núñez** (Cuba) said that the draft resolution was not broadly supported. It was not based on a genuine aspiration to support human rights; on the contrary, it reflected double standards and the politicization of the issue. The draft resolution ran counter to current efforts to address human-rights issues in a fresh and impartial way. His delegation would therefore vote against it.

79. **Mr. Kitchen** (Zimbabwe) said that draft resolutions like the one under consideration did not advance the human-rights agenda. Rather, there was wide agreement that they undermined it. General Assembly resolution 60/251 on the Human Rights Council underlined the primacy of dialogue and cooperation and highlighted the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights. It was therefore unacceptable that delegations sought to exploit the human-rights agenda for political purposes. The sponsors of the draft resolution might examine their own records before naming and shaming countries with which they had difficult relations. It was unlikely that such human-rights monitors would soon be tabling resolutions on their own violations. Given the political motivations behind the draft, it was difficult to accept that the sponsors were themselves committed to genuine dialogue on human rights. His delegation would therefore vote against the draft resolution.

80. **Ms. Zhang Dan** (China) said that General Assembly resolution 60/251 underscored the need to respect the various historical, cultural and religious backgrounds of countries in the process of promoting and protecting human rights. It also reaffirmed that all human rights must be treated in a fair and equal manner. Differences on human-rights issues should be resolved through dialogue and operation. Her Government was opposed to any country-specific resolution. The draft resolution had not been submitted out of any genuine interest in the human rights of the Iranian people; rather it served political purposes. Her delegation would therefore vote against it.

81. **Mr. Swe** (Myanmar) said that the Committee was increasingly abused by powerful States to put pressure on developing countries for political reasons. By thus provoking mistrust and confrontation, such action

diminished the cause of human rights. The draft resolution constituted the conduct of foreign policy by other means. The promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human-rights obligations. Country-specific, politically motivated resolutions would not serve that purpose. The logical forum for consideration of human-rights issues should be the Human Rights Council. The Committee should avoid duplication of the work of the Council. His delegation would therefore vote against the draft resolution.

82. **Ms. Halabi** (Syrian Arab Republic) said that her delegation rejected politicization, selectivity and double standards in addressing human rights as well as the use of human-rights issues for interfering in internal affairs and encroaching on national sovereignty. Her delegation would therefore vote against the draft resolution.

83. **Mr. Chaderton-Matos** (Bolivarian Republic of Venezuela) said that some well known human-rights offenders were among the sponsors of the draft resolution. His Government took issue with the practice of introducing such country-specific resolutions in such a selective and politicized manner, in contravention of the principle of respect for sovereignty and non-interference in the internal affairs of States. Such an approach affected the victims of human-rights violations, who were instruments of political interests and strategic confrontation. His delegation would therefore vote as a matter of principle against any draft resolution which reflected such an unwelcome, inconsistent and undue practice.

84. **Mr. Arziev** (Uzbekistan) said that his delegation firmly opposed the practice of politicization, double standards and selectivity in dealing with human rights. The draft resolution was politically motivated and biased and had nothing to do with the true human-rights situation in the Islamic Republic of Iran. His delegation would therefore, as a matter of principle, vote against it.

85. **Mr. Degia** (Barbados) said that his delegation had hoped that the establishment of the Human Rights Council would usher in a new era of dialogue, cooperation, non-selectivity, non-politicization and genuine concern for human rights. As a country with a paradoxical history of slavery and colonialism having

existed alongside a tradition of parliamentary democracy going back more than 300 years, Barbados attached the highest importance to the issue of human rights and democracy in both its domestic and its foreign policy. His delegation was therefore deeply concerned at the highly political and divisive nature of the human-rights debate in the Committee, particularly concerning country-specific resolutions. As a matter of principle, his delegation would continue either to abstain from voting on country-specific resolutions or to support the no-action motions.

86. **Mr. Dukali** (Libyan Arab Jamahiriya) said that his delegation opposed country-specific resolutions and supported the principles which underlay the establishment of the Human Rights Council. Previous experience in the Commission on Human Rights had shown that such resolutions brought no benefits. His delegation would therefore vote against the draft resolution.

87. **Ms. Hastele** (Islamic Republic of Iran) said the draft resolution was once again unwarranted and was yet another political manoeuvre by the Government of Canada to serve its narrow political interests and revealed the constant abuse and manipulation of United Nations human-rights mechanisms to such ends, at the expense of their credibility and integrity, as underlined by the Secretary-General himself. Her country did not oppose the scrutiny of Member States by relevant bodies and had supported the recommendation for an annual report on the human-rights situation worldwide, a recommendation strongly opposed by "the few" that had arrogated exclusive ownership of the United Nations human-rights-protection system to themselves.

88. While no Member State could justly claim that the human-rights situation within its territory should be beyond scrutiny, the present system did not afford worldwide scrutiny. Canada, with its questionable human-rights record, particularly regarding indigenous peoples and immigrants, and a relentless supporter of Israel's crimes against Palestinians, had presumed to submit a draft resolution on human rights in Iran. Reports by human-rights bodies had shown Canada, the United States and many European countries to be guilty of serious human-rights violations.

89. There was no denying that the basic rights of Muslims in those countries had been violated by growing Islamophobia and defamation and that those so-called defenders of human rights had voted against

three draft resolutions on Israeli atrocities against the Palestinian and Lebanese people. The fact that Israel, with its appalling record of war crimes and systematic human-rights violations, was a sponsor of the draft resolution spoke volumes for Canada's deceitfulness and ill-will. Its baseless accusations were predicated upon illusions and fantasies. Iran, on the basis of its Islamic values and international obligations and its commitment to respect human dignity and protect and promote human rights at the national and international levels, was determined to build a society based on social justice, democracy and good governance.

90. In its belief that cooperation, mutual understanding and respect should lie at the heart of the human-rights dialogue, Iran had engaged in bilateral dialogue with some countries and had held four rounds of talks with the European Union since 2002; they had focused equally on concerns in both Iran and the European Union and were set to resume in December 2006. Adoption of the draft resolution could jeopardize not only cooperation and understanding on human rights, including those very talks, but also Iran's cooperation with the United Nations human-rights mechanisms. Given the blatant misuse of Iran's good intentions of cooperating with the Office of the High Commissioner for Human Rights, the Government might reconsider its standing invitation to the thematic rapporteurs. She urged the Committee to reject the draft resolution in order to preserve the credibility and legitimacy of the human-rights mechanisms.

91. *A recorded vote was taken on draft resolution A/C.3/61/L.41.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bulgaria, Burundi, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Tuvalu,

Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Guinea, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Niger, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cambodia, Cameroon, Cape Verde, Colombia, Congo, Costa Rica, Côte d'Ivoire, Eritrea, Ethiopia, Georgia, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mexico, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Panama, Papua New Guinea, Philippines, Republic of Korea, Rwanda, Sierra Leone, Singapore, Suriname, Swaziland, Thailand, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Zambia.

92. *Draft resolution A/C.3/61/L.41 was adopted by 70 votes to 48, with 55 abstentions.*

93. **Mr. Ballesterro** (Costa Rica) said that his delegation had abstained and would continue to abstain from voting on any resolution on country-specific violations of human rights. All country-specific resolutions should be dealt with by the Human Rights Council. His delegation appealed to the Iranian Government to address all human-rights issues and to work closely with the Council.

94. **Ms. Abdelhak** (Algeria) said that her delegation had voted against the draft resolution and would vote against country-specific resolutions, since they maintained an atmosphere of confrontation which

jeopardized the cause of human rights. Only a cooperative approach, based on genuine dialogue, could help to promote human rights. Such dialogue should underlie the universal-periodic-review mechanism of the Human Rights Council, which was the appropriate mechanism for helping all countries to improve their human-rights situation.

95. **Ms. Maierá** (Brazil) said that her delegation favoured the implementation of the universal-periodic-review mechanism, which would allow the United Nations to examine thoroughly the human-rights situation in all countries without selectivity and politicization. Country-specific resolutions should be adopted only in cases of such gravity that particular attention of the international community was warranted. Her delegation had therefore abstained from voting on the draft resolution. The Islamic Republic of Iran was involved in technical cooperation on human rights with several United Nations agencies and maintained bilateral dialogue on human-rights issues with numerous countries.

96. Her Government remained concerned, however, with the situation in the Islamic Republic regarding freedom of expression and opinion, violence and discrimination against women as well as the imposition of cruel punishment and treatment. Information on the continued application of the death penalty to persons under the age of 18 was particularly disquieting.

97. Brazil remained seriously concerned as well with the widespread discrimination against the Baha'i community, including the refusal to recognize Baha'ism as a religion, arbitrary detentions, prisoners of conscience, restrictions on the right to work and education of its members as well as the destruction of its cultural legacy. Her delegation hoped that the Iranian Government would promptly accept a visit of the Special Rapporteur on freedom of religion or belief.

98. **Mr. Jokinen** (Finland), speaking on behalf of the European Union, said that the international community could not remain silent in situations where human-rights violations were continuous, grave and widespread and the Governments in question did not demonstrate any willingness to address the situations or engage in meaningful dialogue. All States, large and small, should be held accountable for fulfilling their obligations.

99. The situation of human rights in the Islamic Republic of Iran met those criteria and must be addressed by the General Assembly. While the draft resolution welcomed the positive steps that the Iranian Government had taken in the recent past towards meeting its human-rights obligations, it also drew attention to the persistence of grave and systematic human-rights violations such as the use of torture and cruel, inhuman or degrading treatment or punishment, including public executions and the issuing of sentences of stoning, as well as discrimination against women and ethnic and religious minorities. The European Union was also concerned about the continued discrimination on the basis of sexual orientation. It urged the Iranian Government to promote and protect the human rights of all its citizens, regardless of gender, religion, ethnicity, belief and sexual orientation.

100. **Mr. Ballesterio** (Costa Rica) said that his delegation regretted that, contrary to the rules of procedure, unconstructive action had been allowed to occur earlier in the current meeting. Statements on a point of order should be directed to the Chairman. They had never meant to be used as a mechanism to prevent statements from being made by other delegations. It was for the Chairman, not the Secretary, to rule on points of order. His delegation noted with concern the violations of the rules and hoped that, when points of order were raised in future, the Chairman and the Secretary would act in conformity with usual practice.

101. **Mr. Jokinen** (Finland), speaking on behalf of the European Union, said that the European Union, too, was concerned with violations or misapplications of the rules. As a matter of principle it would vote against any motion to close the debate on an item under discussion in the Committee. Calling for such a motion was aimed at denying Member States their sovereign right to bring before the General Assembly any concern which they deemed to merit its attention. Motions to adjourn the debate limited the authority of the Committee by preventing it from even considering the concerns of the international community. No country could be regarded as being above consideration by international human-rights forums. That would run counter to the principles of the universality and interdependence of all human rights and betray the victims of abuse.

The meeting rose at 1.25 p.m.